

AB 3161 (Bonta)

The Equity in Health Care Act: Ensuring Safety and Accountability

PROTECTING OUR COMMUNITIES AND HOLDING
HEALTH CARE FACILITIES ACCOUNTABLE



AB 3161 WILL:

- Require hospitals to include self-reported patient demographics when reporting patient safety events to CDPH.
- Require CDPH to collect self-reported patient demographics when receiving complaints regarding hospitals and long-term care facilities.
- Require CDPH to review and publish data related to patient adverse events in a manner consistent with patient privacy.
- Require hospital patient safety plans to include specified methods to address racism and discrimination in health care, including procedures for staff to anonymously report instances of racial bias and discrimination.
- Require CDPH to publicly publish hospital patient safety plans.
- Ensure individuals who feel they have experienced trauma due to discrimination in health care receive information about how to access justice through the Civil Rights Department.

BACKGROUND

Racial discrimination and implicit bias continue to plague the health care industry.¹ Communities of color and other marginalized Californians are more likely to experience patient safety events when compared to white patients. A patient safety event is a preventable incident that causes harm or injury to a patient when they receive health care, such as a medication error, surgical equipment left inside an individual or inadequate or negligent care that leads to adverse maternal health outcomes. A recent report found that patients who feel empowered by the health care system may be more likely to point out an error in their health care versus someone who was previously marginalized.² Patients noted their priority is getting treatment when sick, not speaking up about discrimination and bias, yet the burden to report these cases falls on the individual - not the facility where they are seeking treatment. These cases often result in a patient enduring trauma and losing trust in the health care system as a whole.³

Currently, general acute care hospitals, acute psychiatric hospitals, and special hospitals are required to report cases of patient safety events to the California Department of Public Health (CDPH). However, there is no requirement to include demographic information when the reporting takes place. Lack of demographic data means we are unable to identify problematic trends of racial bias and discrimination in health care facilities. Further, community members are unaware of the pathways to seek justice when these cases occur, and the burden often falls on individuals and their family members to decide if they want to allocate resources to rectify their outcome.

PROBLEM



Researchers have found that nearly 1 in 4 hospital patients in intensive care experienced some sort of inaccurate diagnosis or medical error.⁴

While CDPH does track reported patient safety events, there are no requirements to report the race, ethnicity, language, sexual orientation, or disability status of the patient, and CDPH does not investigate claims on the basis of racism or discrimination. Vulnerable communities are at a higher risk of falling victim to medical bias, especially when recent trends demonstrate women and minorities are more likely to experience medical misdiagnoses.

Additionally, while hospitals are currently required to produce patient safety plans and undergo culture of safety assessments every two years, there is no mandate to include protocols or procedures to address cases of racism, racial bias, or discrimination when a patient safety event occurs. Demographic data collection, comprehensive patient safety plans, and targeted information about patients' civil rights options are needed to drastically curb the impacts of racial bias and discrimination in health care.

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2. https://www.rand.org/pubs/research_reports/RRA1945-1.html

3. https://www.rand.org/pubs/research_reports/RRA1945-1.html

4. https://kffhealthnews.org/news/article/medical-misdiagnosis-women-minorities-health-care-bias/?rk=feed_main_feed-card_feed-article-content