Ensure Safe Sharing of Patient Safety Work Product

When it comes to Patient Safety Work Product (PSWP), ECRI Institute PSO has encountered a fair amount of misunderstandings.

One potential area of confusion that we’ve heard about lately deals with the sharing and use of PSWP within an organization—specifically, if the organization comprises several facilities at multiple sites.

Therefore, we’d like to take the opportunity to clarify what the Patient Safety Rule allows.

The Patient Safety Rule does not limit the purpose for which PSWP may be shared within an entity (internally). This includes sharing of PSWP among practitioners who hold privileges at a specific entity. The sharing of PSWP within a legal entity, such as between members of the workforce, is not considered to be a disclosure. Affiliated providers may also share PSWP.

Data released outside of the entity is considered to be a disclosure and should follow the protocols outlined for “permissible disclosure” as defined under the Patient Safety Rule. Permissible disclosures are circumstances in which disclosure is acceptable and permitted by law. These include patient safety activities, business operations, with the consent of all healthcare providers named in the PSWP, if it is anonymized, criminal proceedings, limited research purposes, for reporting to the U.S. Food and Drug Administration, for voluntary reporting to accrediting bodies, for reporting to law enforcement, and for equitable relief of the reporter.

Likewise, it is permissible for an organization to share “nonidentifiable” PSWP (which is stripped of individually identifiable health information as well as any contextual indicators) with providers who are not affiliated with this entity for patient safety purposes. Further, if all identified providers are in agreement regarding the need to share identifiable patient safety work product, each provider may authorize and thereby permit a disclosure.

Therefore, sharing PSWP within the organization, among any providers who hold privileges granted by that organization, is permitted and can be very beneficial. This information can and should be used to foster learning after an event or near miss occurs, or after an unsafe condition is identified. Likewise, with the proper preparation and handling, information can be safely disclosed permissibly to a wider audience as well.
Providers that are part of a health system or multi-facility organization and who wish to share PSWP should determine whether the definition of “affiliated provider” applies. An affiliated provider is one that, with respect to that provider, is legally separate from its parent organization, yet is under common ownership, management, or control with the parent organization, or is owned, managed, or controlled by the parent organization.

Don’t let fear rule your choices regarding PSO participation. Contact us with any questions and concerns you may have, and we’ll demonstrate how a PSO can help you safely share the learning.

How Can We Help You?

Whether you have questions about the final rule or want to learn more about ECRI Institute PSO and/or support for other PSOs, we would be happy to hear from you. Please contact ECRI Institute at pso@ecri.org or call (610) 825-6000, ext. 5558.