

## HR 3239

Safeguarding Access For Every Medicare Patient Act

**Congress:** 112 (2011–2013, Ended)

**Chamber:** House

**Policy Area:** Health

**Introduced:** Oct 21, 2011

**Current Status:** Referred to the Subcommittee on Health.

**Latest Action:** Referred to the Subcommittee on Health. (Oct 21, 2011)

**Official Text:** <https://www.congress.gov/bill/112th-congress/house-bill/3239>

### Sponsor

**Name:** Rep. Marino, Tom [R-PA-10]

**Party:** Republican • **State:** PA • **Chamber:** House

### Cosponsors

*No cosponsors are listed for this bill.*

### Committee Activity

Committee	Chamber	Activity	Date
Energy and Commerce Committee	House	Referred to	Oct 21, 2011

### Subjects & Policy Tags

**Policy Area:**

Health

### Related Bills

Bill	Relationship	Last Action
112 HR 6043	Related bill	<b>Jul 9, 2012:</b> Referred to the Subcommittee on Health.

Safeguarding Access for Every Medicare Patient Act - Authorizes a covered entity to submit to a Patient Safety Organization information on electronic health record (EHR)-related adverse events with respect to certified EHR technology the entity has used or provided.

Specifies covered entities as certain EHR users, health information exchange entities, and health care professionals who use EHR technology.

Defines an EHR-related adverse event as a defect, malfunction, or error in the certified health information technology or electronic health record used by a provider, or in the input or output of data maintained through such technology or record, that results or could reasonably result in harm to a patient.

Limits electronic discovery (e-discovery) in any health care lawsuit against a covered entity relating to an EHR-related adverse event involving certified EHR technology to information: (1) related to that event, and (2) from the period in which the event occurred.

Prohibits a claimant from commencing a lawsuit more than three years after the manifestation of injury or one year after the claimant discovers, or should have discovered, the injury, whichever occurs first. Requires tolling of this limitation, however, to the extent that the claimant is able to prove: (1) fraud; (2) intentional concealment; or (3) the presence of a foreign body, with no therapeutic or diagnostic purpose or effect, in the injured person.

Subjects each party to such a lawsuit which is not a covered entity to proportionate liability only.

Allows punitive damages against a covered entity only upon proof by clear and convincing evidence that the entity acted with reckless disregard for the claimant's health or safety.

Shields covered entities, employees, agents, and representatives from civil liability for libel or slander arising from information or entries made in certified EHR technology, or transferred to another eligible provider, if the information, entries, or transfer were made in good faith and without malice.

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## **Actions Timeline**

- **Oct 21, 2011:** Introduced in House
- **Oct 21, 2011:** Referred to the House Committee on Energy and Commerce.
- **Oct 21, 2011:** Referred to the Subcommittee on Health.