CONFIDENTIALITY AND PROTECTION OF MEDICATION ERROR REPORTING

Background:
Medication error reduction programs are necessary to achieve improvement in patient care and to satisfy the public demand for a safer health care system. The consumer expectation is a system of high integrity that will serve them well and not be a cause for peril when health care is needed. Consumers want and deserve to be confident in the safety of the health care system.

AMCP Position:
The Academy of Managed Care Pharmacy (AMCP) supports a medication error reporting system that encourages participation and provides confidentiality and protection of the information reported and the person(s) reporting. Additionally, this system should establish processes to detect and correct errors, identify trends or patterns and encourage changes to the medication delivery process to reduce the potential for future errors.

Talking Points:
- Medication error reporting programs should be designed to detect, correct and prevent errors, which would result in a reduction in adverse events associated with medication errors.

  - Error reporting programs should protect against civil discovery of the reported information in order to ensure that there will be no punitive view to deter a pharmacist from participating.
    - An error reporting program may permit disclosure of information in a criminal proceeding, but only if the information to be disclosed is material to the proceeding, is not available from any other source and is in the public interest.

  - Error reporting programs must provide adequate safeguards against breaches of the privacy of the system along with penalties for those who commit such breaches.
    - Explicit protection should be provided for information shared if a "national databank" is created, as well as for transmission of error data across state lines. Federal protections should pre-empt less stringent state laws.

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