

This was a personal injury case brought by a visitor to Edward Hospital, who was sitting bedside to a patient in the emergency room and alleged that she was injured when a nurse lowered the patient's bed onto her foot.

The hospital prepared a patient safety event report which discussed the injury to the visitor. During discovery, the hospital withheld the report, asserting the PSQIA (Patient Safety and Quality Improvement) privilege.

Plaintiff filed a motion to compel production of the report. Plaintiff argued that the PSQIA privilege did not apply to the report because the plaintiff was not a patient when she was injured. Plaintiff cited to the preamble of the PSQIA Act, which Plaintiff argued defined a patient safety event as an incident that occurred during delivery of health care service that harmed a patient. The hospital countered that the Act focused on the overall setting of how health care service was delivered, and that the plaintiff's injury occurred while care was being provided to her mother, who was a patient at the time. After briefing and oral argument, the judge ruled in favor the hospital and denied the plaintiff's motion to compel (unfortunately, the ruling simply stated that the motion was denied, and there was no transcript of the proceedings). The case was subsequently settled.

This ruling is important because it serves as an example of a court rejecting a narrow definition of patient safety work product that seeks to limit application of the privilege to a report of an incident that results in actual injury to a patient. Rather, the definition can also cover injury to a visitor if all other requirements for upholding the PSQIA privilege are met. The full case citation is *Fredericks v. Edward-Elmhurst Health*, No. 2019L001238 (Cir. Ct. DuPage County, Ill. Jun. 17, 2021).

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