## Stricken language would be deleted from and underlined language would be added to present law. Act 634 of the Regular Session

| 1        | State of Arkansas  | A Bill                          |                          |
|----------|--|---------------------------------|--------------------------|
| 2        | 88th General Assembly Regular Session, 2011                                  |                                 | HOUSE BILL 1852          |
| <i>3</i> | Regular Session, 2011  |                                 | HOUSE BILL 1652          |
| 5        | By: Representatives J. Roebuck   | x. Pennartz                     |                          |
| 6        | By: Senator P. Malone  | ,,                              |                          |
| 7        | <b>y</b>   |                                 |                          |
| 8        |  | For An Act To Be Entitled       |                          |
| 9        | AN ACT TO REQUIRE THAT HEALTH FACILITIES                                     |                                 |                          |
| 10       | PARTICIPATING IN THE CENTERS FOR MEDICARE AND                                |                                 |                          |
| 11       | MEDICAID SERVICES HOSPITAL INPATIENT QUALITY                                 |                                 |                          |
| 12       | REPORTING PROGRAM MAKE CERTAIN DATA ON INFECTIONS                            |                                 |                          |
| 13       | AVAILABLE TO THE DEPARTMENT OF HEALTH; AND FOR OTHER                         |                                 |                          |
| 14       | PURPOSES.  |                                 |                          |
| 15       |  |                                 |                          |
| 16       |  |                                 |                          |
| 17       |  | Subtitle                        |                          |
| 18       | AN ACT   | T TO REQUIRE THAT CERTAIN HEALT | Н                        |
| 19       | FACILI   | TIES MAKE DATA ON INFECTIONS    |                          |
| 20       | AVAIL  | ABLE TO THE DEPARTMENT OF HEALT | н.                       |
| 21       |  |                                 |                          |
| 22       |  |                                 |                          |
| 23       | BE IT ENACTED BY THE GE  | NERAL ASSEMBLY OF THE STATE OF  | ARKANSAS:                |
| 24       |  |                                 |                          |
| 25       | SECTION 1. Arkan   | sas Code § 20-9-120 is amended  | to read as follows:      |
| 26       | 20-9-1202. Defin   | itions.                         |                          |
| 27       | As used in this s  | ubchapter:                      |                          |
| 28       | (1)(A) "He   | alth facility" means any of the | e following facilities:  |
| 29       |  | (i) A hospital, outpatient su   | irgery center, public    |
| 30       | health center, or recuperation center, as those facilities are defined in §  |                                 |                          |
| 31       | 20-9-201; and  |                                 |                          |
| 32       |  | (ii) Any other facility deter   | rmined to be a source of |
| 33       | healthcare-associated infections and designated as such by the Department of |                                 |                          |
| 34       | Health.  |                                 |                          |
| 35       | (B)  | "Health facility" does not incl |                          |
| 36       |  | (i) A physician's office unle   | ess the office is        |



| 1  | otherwise licensed as an outpatient surgery center; or                        |  |  |
|----|---|--|--|
| 2  | (ii) An establishment furnishing primarily                                    |  |  |
| 3  | domiciliary care;   |  |  |
| 4  | (2) "Healthcare-associated infection" means a localized or                    |  |  |
| 5  | systemic condition in a person that:  |  |  |
| 6  | (A) Results from adverse reaction to the presence of an                       |  |  |
| 7  | infectious agent or a toxin of an infectious agent; and                       |  |  |
| 8  | (B) Was not present or incubating in the person at the                        |  |  |
| 9  | time of admission to the health facility; and                                 |  |  |
| 10 | (3) ""Department"" means the Department of Heath "National                    |  |  |
| 11 | Healthcare Safety Network" means the secure Internet-based data collection    |  |  |
| 12 | surveillance system managed by the Division of Health Quality Promotion at    |  |  |
| 13 | the Centers for Disease Control created by the center for accumulating,       |  |  |
| 14 | exchanging, and integrating relevant information on infectious adverse events |  |  |
| 15 | associated with healthcare delivery.  |  |  |
| 16 |   |  |  |
| 17 | SECTION 2. Arkansas Code § 20-9-1203(a), concerning reports on                |  |  |
| 18 | infections by health facilities, is amended to read as follows:               |  |  |
| 19 | (a) A health facility shall collect data on healthcare-associated             |  |  |
| 20 | infection rates for the following:  |  |  |
| 21 | (1) Coronary artery bypass surgical site infections;                          |  |  |
| 22 | (2) Total hip or knee arthroplasty surgical site infections;                  |  |  |
| 23 | (3) Knee arthroscopy surgical site infections;                                |  |  |
| 24 | (4) Hernia repair surgical site infections;                                   |  |  |
| 25 | $\frac{(5)}{(1)}$ Central line-associated bloodstream infections in an        |  |  |
| 26 | intensive care unit; and  |  |  |
| 27 | $\frac{(6)}{(2)}$ Other categories as provided under § 20-9-1204(e).          |  |  |
| 28 |   |  |  |
| 29 | SECTION 3. Arkansas Code § 20-9-1203, concerning reports on infections        |  |  |
| 30 | by health facilities, is amended to add an additional subsection to read as   |  |  |
| 31 | follows:  |  |  |
| 32 | (c)(l) A health facility participating in the Centers for Medicare and        |  |  |
| 33 | Medicaid Services Hospital Inpatient Quality Reporting Program or its         |  |  |
| 34 | successor shall authorize the department to have access to the following      |  |  |
| 35 | information that the health facility submits to the National Healthcare       |  |  |
| 36 | Safety Network:   |  |  |

| 1  | (A) The name of the health facility; and                                      |  |  |
|----|---|--|--|
| 2  | (B) Any information submitted to the National Healthcare                      |  |  |
| 3  | Safety Network in order to satisfy the requirements of the Hospital Inpatient |  |  |
| 4  | Quality Reporting Program.  |  |  |
| 5  | (2) The information contained in the National Healthcare Safety               |  |  |
| 6  | Network database and obtained by the department under this section may be     |  |  |
| 7  | used by the department for surveillance and prevention purposes only and      |  |  |
| 8  | shall not be used for regulatory purposes.                                    |  |  |
| 9  |   |  |  |
| 10 | SECTION 4. Arkansas Code § 20-9-1204(e), concerning voluntary reports         |  |  |
| 11 | to the Advisory Committee on Healthcare Acquired Infections, is amended to    |  |  |
| 12 | read as follows:  |  |  |
| 13 | (e) After release of the second annual report published under § 20-9-         |  |  |
| 14 | 1205 and upon consultation with the advisory committee and with other         |  |  |
| 15 | technical advisors who are recognized experts in the prevention,              |  |  |
| 16 | identification, and control of healthcare-associated infections and the       |  |  |
| 17 | reporting of performance data, the department may add categories of           |  |  |
| 18 | infections to those set forth in $20-9-1203(a)$ in compliance with the        |  |  |
| 19 | Arkansas Administrative Procedure Act, § 25-15-201, et seq.                   |  |  |
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| 22 | APPROVED: 03/23/2011  |  |  |
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