

# Hall of the House of Representatives

86th General Assembly - Regular Session, 2007

## Amendment Form

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### Subtitle of House Bill No. 2735

"THE HOSPITAL INFECTION DISCLOSURE ACT OF 2007."

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### Amendment No. 1 to House Bill No. 2735.

Amend House Bill No. 2735 as originally introduced:

Add Representative Pennartz as a co-sponsor of the bill

AND

Page 1, delete line 9 and substitute the following:  
"AN ACT TO CREATE THE HEALTH FACILITY INFECTION"

AND

Page 1, delete lines 13 and 14 and substitute the following:  
"THE HEALTH FACILITY INFECTION DISCLOSURE ACT OF 2007"

AND

Page 1, delete lines 22 and 23 and substitute the following:  
"This subchapter shall be known and may be cited as the "Health Facility Infection Disclosure Act of 2007"."

AND

Page 1, delete lines 27 through 35 and substitute the following:  
"(1)(A) "Health facility" means any of the following facilities:  
(i) A hospital, outpatient surgery center, public health center or recuperation center, as those facilities are defined in § 20-9-201; and  
(ii) Any other facility determined to be a source of healthcare associated infections and designated as such by the Division of Health of the Department of Health and Human Services.  
(B) "Health facility" does not include:  
(i) A physician's office unless the office is otherwise licensed as an outpatient surgery center; or"

AND



Page 2, delete line 2 and substitute the following:

“(2) “Healthcare associated infection” means a localized or systemic condition”

AND

Page 2, line 5 , delete "and"

AND

Page 2, delete lines 7 through 22 and substitute the following:

“time of admission to the health facility; and

(3) “Division” means the Division of Health of the Department of Health and Human Services.”

20-9-1203. Health facility reports.

(a) A health facility shall collect data on healthcare associated infection rates for the following:

(1) Coronary artery bypass surgical site infections;

(2) Total hip or knee arthroplasty surgical site infections;

(3) Knee arthroscopy surgical site infections;

(4) Hernia repair surgical site infections;

(5) Central line-associated bloodstream infection in an intensive care unit; and

(6) Other categories as provided under § 20-9-1204(e).

(b)(1)(A) A health facility may voluntarily submit quarterly reports to the division on the facility’s healthcare associated infection rates.

(B)(i) If a health care facility elects to submit quarterly reports, the reports shall be submitted to the”

AND

Page 2, line 28, delete “(II)” and substitute “(ii)”

AND

Page 2, delete lines 32 through 36.

AND

Page 3, delete line 1 and substitute the following:

“(2) If the health facility is a division or subsidiary of another entity that owns or operates other health facilities, the”

AND

Page 3, line 5, delete “Hospital-Acquired” and substitute “Healthcare Associated”

AND

Page 3, line 6, delete “(1)”

AND

Page 3, delete lines 7 through 9 and substitute the following:

“Health and Human Services shall appoint an Advisory Committee on Healthcare Acquired Infections, including without limitation representatives of:

(1) Public and private hospitals, including representatives of hospitals with fewer than fifty (50) beds and representatives of hospitals with more than fifty (50) beds;

(2) Outpatient surgery centers;”

AND

Page 3, line 10, delete “(B)” and substitute “(3)”

AND

Page 3, line 11, delete “(C)” and substitute “(4)”

AND

Page 3, delete lines 12 through 21 and substitute the following:

“(5) Infection control professionals with expertise in healthcare associated infections;

(6) Academic researchers; and

(7) At least one (1) representative of a consumer organization.”

AND

Page 3, delete lines 32 through 35 and substitute the following:

“existing methodologies and systems for data collection.

(2) Any data collection and analytical methodologies used shall be:

(A) Capable of being validated; and

(B) Based upon nationally recognized and recommended standards, that may include those developed by the Centers for Disease Control and Prevention, the Centers for Medicare and Medicaid Services, the Agency for Healthcare Research and Quality or the National Quality Forum.”

AND

Page 4, delete lines 1 and 2 and substitute the following:

“be disclosed for public comment before any public disclosure of healthcare associated infection rates in an annual report under § 20-9-1205.”

AND

Page 4, line 3, delete “(4)” and substitute “(4)(A)”

AND

Page 4, delete line 4 and substitute the following:  
“presented to all health facilities in this state on or before September 1, 2008.

(B) The methodology may be amended based upon input from the health facilities.”

AND

Page 4, delete lines 5 and 6 and substitute the following:

“(5)(A) The first voluntary quarterly report under § 20-9-1203(b) shall be presented to the division on or before January 31, 2009.

(B) Health facilities may begin voluntarily reporting data on January 31, 2009 or at any time thereafter.”

AND

Page 4, line 8, delete “hospital” and substitute “health facility”

AND

Page 4, delete lines 11 through 13 and substitute the following:

“(e) After release of the second annual report published under § 20-9-1205, and upon consultation with the advisory committee and with other technical advisors who are recognized experts in the prevention, identification, and control of healthcare associated infections and the reporting of performance data, the division may add categories of infections to those set forth in § 20-9-1203(a).”

AND

Page 4, delete lines 15 through 21 and substitute the following:

“20-9-1205. Reports regarding healthcare associated infections.

(a)(1)(A) In consultation with the Advisory Committee on Healthcare Associated Infections, the Division of Health of the Department of Health and Human Services shall submit annually a report summarizing the health facility quarterly reports required under this subchapter to the Chair of the House Interim Committee on Public Health, Welfare, and Labor and the Chair of the Senate Interim Committee on Public Health, Welfare, and Labor.

(B) No health facility-identifiable data shall be included in the annual report, but aggregate statistical data may be included.”

AND

Page 4, delete lines 25 through 36 and substitute the following:

“or before January 1, 2010.

(b) The annual report prepared by the division under this subchapter regarding healthcare associated infections shall be appropriately risk-adjusted.”

AND

Page 5, delete line 1

AND

Page 5, line 2, delete “(3)” and substitute “(c)(1)”

AND

Page 5, delete lines 4 and 5 and substitute the following:

“(2) A discussion of findings, conclusions, and trends concerning the overall status of healthcare associated infections in the state,”

AND

Page 5, line 7, delete “(B)” and substitute “(3)”

AND

Page 5, delete lines 9 through 20.

AND

Page 5, line 21, delete “(2)” and substitute “(d)”

AND

Page 5, delete lines 23 through 25, and substitute the following:

“(e) No health facility report or division disclosure shall contain information identifying a patient, employee, or healthcare professional in connection with a specific infection incident.

“(f) No annual report or other division disclosure shall contain information that identifies or could be used to identify a specific health facility.

“(g)(1) As part of the process of preparing the annual report, effective safeguards to protect against the dissemination of inconsistent, incomplete, invalid, inaccurate, or subjective health facility data shall be developed and implemented.

“(2) These safeguards may include the exclusion of certain data or data from facilities with a low volume of patients or procedures if the use of the data would skew the results reported.

“(h) The division shall develop, with the assistance of the advisory committee, a process of regular and confidential feedback for health facilities regarding the data collected so that each health facility’s data will be available to that facility for its quality improvement efforts.”

AND

Page 5, delete line 27 and substitute the following:

“20-9-1206. Privacy and confidentiality.”

AND

Page 5, delete line 32 and substitute the following:

"subchapter.

(c) Except for the annual report that shall be a public document available to any person upon request, any data and materials collected or compiled by a health facility or obtained by the division under this subchapter:

(1) Shall be exempt from disclosure under the Freedom of Information Act of 1967, § 25-19-101 et seq.; and

(2) Shall not be subject to discovery under the Arkansas Rules of Civil Procedure or admissible in any legal proceeding.

(d) Data collected and reported under this subchapter shall not be deemed to have established a standard of care for any purposes in a private civil litigation."

AND

Page 5, delete lines 34 through 36.

AND

Page 6, delete lines 1 through 7 and substitute the following:

"20-9-1207. Rules."

AND

Page 6, delete line 9 and substitute the following:

"subchapter.

20-9-1208 Funding.

This subchapter is contingent upon the appropriation and availability of funding necessary for the Division of Health of the Department of Health and Human Services to implement its provisions, and any requirements that actions be accomplished by a specific date shall be extended until the necessary funding is available."

The Amendment was read \_\_\_\_\_

By: Representative J. Roebuck  
MGF/CDS - 03-16-2007 15:46  
MGF569

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Chief Clerk