

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 86th General Assembly
3 Regular Session, 2007
4

A Bill

HOUSE BILL 2735

5 By: Representative J. Roebuck
6
7

For An Act To Be Entitled

8 AN ACT TO CREATE THE HOSPITAL INFECTION
9 DISCLOSURE ACT OF 2007; AND FOR OTHER PURPOSES.
10

Subtitle

11 THE HOSPITAL INFECTION DISCLOSURE ACT OF
12 2007.
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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19 SECTION 1. Arkansas Code Title 20, Chapter 9 is amended to add an
20 additional subchapter to read as follows:

21 20-9-1201. Title.

22 This subchapter shall be known and may be cited as the "Hospital
23 Infections Disclosure Act of 2007".
24

25 20-9-1202. Definitions.

26 As used in this subchapter:

27 (1)(A) "Hospital" means:

28 (i) A public health center;

29 (ii) A general, tuberculosis, mental, or chronic
30 disease hospital; and

31 (iii) A facility connected with a hospital such as a
32 laboratory, outpatient department, nurses home or training facility, or a
33 central service facility operated in connection with a hospital.

34 (B) "Hospital" does not include:

35 (i) A physician's office; or

36 (ii) An establishment furnishing primarily



1 domiciliary care;

2 (2) "Hospital-acquired infection" means a localized or systemic
 3 condition in a person that:

4 (A) Results from adverse reaction to the presence of an
 5 infectious agent or a toxin of an infectious agent; and

6 (B) Was not present or incubating in the person at the
 7 time of admission to the hospital.

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 9 20-9-1203. Hospital reports.

10 (a) A hospital shall collect data on hospital-acquired infection rates
 11 for the specific clinical procedures determined by the State Board of Health,
 12 including without limitation:

13 (1) Surgical site infections;

14 (2) Ventilator-associated pneumonia;

15 (3) Central line-related bloodstream infections;

16 (4) Urinary tract infections; and

17 (5) Other categories as provided under subsection (d) of this
 18 section.

19 (b)(1)(A) A hospital shall submit quarterly reports to the Division of
 20 Health of the Department of Health and Human Services on the hospital's
 21 hospital-acquired infection rates.

22 (B)(i) The quarterly reports shall be submitted to the
 23 division:

24 (a) In a format prescribed by the division;

25 and

26 (b) By April 30, July 31, October 31, and
 27 January 31 of each year.

28 (II) Each quarterly report shall cover the
 29 immediately preceding calendar quarter.

30 (C) Data in the quarterly reports shall cover a period
 31 ending not earlier than one (1) month before the submission of the report.

32 (D) The quarterly reports shall be made available to the
 33 public at each hospital and through the division.

34 (E) The first quarterly report shall be due October 1,
 35 2008.

36 (2) If the hospital is a division or subsidiary of another

1 entity that owns or operates other hospitals or related organizations, the
2 quarterly report shall be for the specific division or subsidiary and not for
3 the other entity.

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5 20-9-1204. Advisory Committee on Hospital-Acquired Infections.

6 (a)(1) The Director of the Division of Health of the Department of
7 Health and Human Services shall appoint an Advisory Committee on Hospital-
8 Acquired Infections, including without limitation representatives of:

- 9 (A) Public and private hospitals;
- 10 (B) Direct-care nursing staff;
- 11 (C) Physicians;
- 12 (D) Epidemiologists with expertise in hospital-acquired
13 infections;
- 14 (E) Academic researchers;
- 15 (F) Consumer organizations;
- 16 (G) Health insurers;
- 17 (H) Health maintenance organizations;
- 18 (I) Organized labor; and
- 19 (J) Purchasers of health insurance, including employers.

20 (2) A majority of the members of the advisory committee shall
21 represent interests other than hospitals.

22 (b) The advisory committee shall assist the Division of Health of the
23 Department of Health and Human Services in the development of all aspects of
24 the division's methodology for collecting, analyzing, and disclosing the data
25 collected under this subchapter, including without limitation:

- 26 (1) Collection methods;
- 27 (2) Formatting; and
- 28 (3) Methods and means for the release and dissemination of the
29 data.

30 (c)(1) In developing the methodology for collecting and analyzing the
31 infection-rate data, the division and the advisory committee shall consider
32 existing methodologies and systems for data collection, such as the Centers
33 for Disease Control's National Nosocomial Infection Surveillance Program.

34 (2) However, the division's discretion to adopt a methodology
35 shall not be limited or restricted to any existing methodology or system.

36 (3) The proposed data collection and analysis methodology shall

1 be disclosed for public comment before any public disclosure of hospital-
2 acquired infection rates.

3 (4) The data collection and analysis methodology shall be
4 presented to all hospitals in this state on or before June 1, 2008.

5 (5) The first quarterly report required under § 20-9-1203(b)
6 shall be presented to the division on or before October 1, 2008.

7 (d) The division and the advisory committee shall evaluate on a
8 regular basis the quality and accuracy of hospital data reported under this
9 subchapter and the data collection, analysis, and dissemination methodologies
10 used under this subchapter.

11 (e) After consultation with the advisory committee, the division may
12 require hospitals to collect data on hospital-acquired infection rates in
13 categories additional to those set forth in § 20-9-1203(a).

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15 20-9-1205. Reports regarding hospital-acquired infections.

16 (a)(1) In consultation with the Advisory Committee on Hospital-
17 Acquired Infections, the Division of Health of the Department of Health and
18 Human Services shall submit annually a report summarizing the hospital
19 quarterly reports required under this subchapter to the Chair of the House
20 Interim Committee on Public Health, Welfare, and Labor and the Chair of the
21 Senate Interim Committee on Public Health, Welfare, and Labor.

22 (2) The division shall publish the annual report on the
23 division's website.

24 (3) The first annual report shall be submitted and published on
25 or Before January 1, 2009.

26 (4) The division may issue quarterly informational bulletins at
27 its discretion, summarizing all or part of the information submitted in the
28 hospital quarterly reports under this subchapter.

29 (b) The annual report prepared by the division under this subchapter
30 and any quarterly bulletins regarding hospital-acquired infections issued by
31 the division under this subchapter shall be risk-adjusted.

32 (c)(1) The annual report shall compare the risk-adjusted hospital-
33 acquired infection rates collected under this subchapter for each hospital in
34 the state.

35 (2) The division, in consultation with the advisory committee,
36 shall make this comparison require under subdivision (c)(1) of this section

1 as easy to comprehend as possible.

2 (3) The annual report shall include an executive summary written
 3 in plain language that shall include without limitation:

4 (A) A discussion of findings, conclusions, and trends
 5 concerning the overall status of hospital-acquired infections in the state,
 6 including a comparison to previous years; and

7 (B) Policy recommendations of the division and the
 8 advisory committee.

9 (d)(1) The division shall publicize the annual report prepared by the
 10 division under this subchapter and the availability of the report as widely
 11 as is practicable to interested parties, including without limitation:

12 (A) Hospitals;

13 (B) Health care providers;

14 (C) Media organizations;

15 (D) Health insurers;

16 (E) Health maintenance organizations;

17 (F) Purchasers of health insurance;

18 (G) Organized labor;

19 (H) Consumer or patient advocacy groups; and

20 (I) Individual consumers.

21 (2) The annual report shall be made available to any person upon
 22 request.

23 (e) No hospital report or division disclosure shall contain
 24 information identifying a patient, employee, or licensed health care
 25 professional in connection with a specific infection incident.

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 27 20-9-1206. Privacy.

28 (a) It is the intent of the General Assembly that a patient's right of
 29 confidentiality shall not be violated in any manner under this subchapter.

30 (b) Social security numbers and any other information that could be
 31 used to identify an individual patient shall not be released under this
 32 subchapter.

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 34 20-9-1207. Penalties.

35 A determination that a hospital has violated this subchapter may result
 36 in any of the following:

1 (1) Suspension or revocation of licensure by the State Board of
2 Health; and

3 (2) A civil penalty of up to one thousand dollars (\$1,000) per
4 day per violation for each day that the hospital is in violation of this
5 subchapter.

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7 20-9-1208. Rules.

8 The State Board of Health shall promulgate rules to implement this
9 subchapter.

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