

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 SENATE BILL 1527

By: Leftwich

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6 AS INTRODUCED

7 An Act relating to public health and safety; creating
8 the Hospital Infections Disclosure Act; providing
9 short title; defining terms; requiring hospitals to
10 collect certain data; requiring hospitals to submit
11 certain reports to the State Department of Health;
12 requiring the Commissioner of the State Department of
13 Health to appoint an advisory committee; establishing
14 duties of the advisory committee; authorizing the
15 State Department of Health to require certain data
16 collections; directing the State Department of Health
17 to submit and publicize an annual report; specifying
18 requirements of the annual report; providing
19 legislative intent of privacy; authorizing certain
20 penalties; authorizing the State Department of Health
21 to ensure compliance; providing for codification; and
22 providing an effective date.
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BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 1-710.1 of Title 63, unless
there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Hospital
Infections Disclosure Act".

1 SECTION 2. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 1-710.2 of Title 63, unless
3 there is created a duplication in numbering, reads as follows:

4 As used in the Hospital Infections Disclosure Act:

5 1. "Department" means the State Department of Health;

6 2. "Hospital" means an acute care health care facility licensed
7 as defined by Section 1-701 et seq. of Title 63 of the Oklahoma
8 Statutes; and

9 3. "Hospital-acquired infection" means a localized or systemic
10 condition:

11 a. that results from adverse reaction to the presence of
12 an infectious agent or its toxin, and

13 b. that was not present or incubating at the time of
14 admission to the hospital.

15 SECTION 3. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 1-710.3 of Title 63, unless
17 there is created a duplication in numbering, reads as follows:

18 A. Individual hospitals shall collect data on hospital-acquired
19 infection rates for the specific clinical procedures determined by
20 the State Department of Health by regulation, including the
21 following categories:

22 1. Surgical site infections;

23 2. Ventilator-associated pneumonia;

24 3. Central line-related bloodstream infections;

1 4. Urinary tract infections; and

2 5. Other categories as provided under subsection D of this
3 section.

4 B. 1. Hospitals shall submit quarterly reports on their
5 hospital-acquired infection rates to the Department. Quarterly
6 reports shall be submitted, in a format set forth in regulations
7 adopted by the Department, to the Department by April 30, July 31,
8 October 31 and January 31 each year for the previous quarter. Data
9 in quarterly reports must cover a period ending not earlier than one
10 month prior to submission of the report.

11 2. If the hospital is a division or subsidiary of another
12 entity that owns or operates other hospitals or related
13 organizations, the quarterly report shall be for the specific
14 division or subsidiary and not for the other entity.

15 C. 1. The Commissioner of the State Department of Health shall
16 appoint an advisory committee including representatives from public
17 and private hospitals, including from hospital infection control
18 departments, direct care nursing staff, physicians, epidemiologists
19 with expertise in hospital-acquired infections, academic
20 researchers, consumer organizations, health insurers, health
21 maintenance organizations, organized labor, and purchasers of health
22 insurance, such as employers. The advisory committee shall have a
23 majority of members representing interests other than hospitals.

1 2. The advisory committee shall assist the Department in the
2 development of all aspects of the Department's methodology for
3 collecting, analyzing, and disclosing the information collected
4 under this act, including collection methods, formatting, and
5 methods and means for release and dissemination.

6 3. In developing the methodology for collecting and analyzing
7 the infection rate data, the Department and advisory committee shall
8 consider existing methodologies and systems for data collection,
9 such as the Centers for Disease Control and Prevention's National
10 Nosocomial Infections Surveillance System, or its successor;
11 provided, however, the Department's discretion to adopt a
12 methodology shall not be limited or restricted to any existing
13 methodology or system. The data collection and analysis methodology
14 shall be disclosed to the public prior to any public disclosure of
15 hospital-acquired infection rates.

16 4. The Department and the advisory committee shall evaluate on
17 a regular basis the quality and accuracy of hospital information
18 reported under this act and the data collection, analysis, and
19 dissemination methodologies.

20 D. The Department may, after consultation with the advisory
21 committee, require hospitals to collect data on hospital-acquired
22 infection rates in categories additional to those set forth in
23 subsection A of this section.

1 SECTION 4. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 1-710.4 of Title 63, unless
3 there is created a duplication in numbering, reads as follows:

4 A. The Department shall annually submit to the Legislature a
5 report summarizing the hospital quarterly reports and shall publish
6 the annual report on its website. The first annual report shall be
7 submitted and published in 2009. The Department may issue quarterly
8 informational bulletins at its discretion, summarizing all or part
9 of the information submitted in the hospital quarterly reports.

10 B. All reports issued by the Department shall be risk adjusted.

11 C. The annual report shall compare the risk-adjusted hospital-
12 acquired infection rates, collected under Section 3 of this act, for
13 each individual hospital in the state. The Department, in
14 consultation with the advisory committee, shall make this comparison
15 as easy to comprehend as possible. The report shall also include an
16 executive summary, written in plain language, that shall include,
17 but not be limited to, a discussion of findings, conclusions, and
18 trends concerning the overall state of hospital-acquired infections
19 in the state, including a comparison to prior years. The report may
20 include policy recommendations, as appropriate.

21 D. The Department shall publicize the report and its
22 availability as widely as practical to interested parties,
23 including, but not limited to, hospitals, providers, media
24 organizations, health insurers, health maintenance organizations,

1 purchasers of health insurance, organized labor, consumer or patient
2 advocacy groups, and individual consumers. The annual report shall
3 be made available to any person upon request.

4 E. No hospital report or Department disclosure may contain
5 information identifying a patient, employee, or licensed health care
6 professional in connection with a specific infection incident.

7 SECTION 5. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 1-710.5 of Title 63, unless
9 there is created a duplication in numbering, reads as follows:

10 It is the expressed intent of the Legislature that a patient's
11 right of confidentiality shall not be violated in any manner.
12 Patient Social Security numbers and any other information that could
13 be used to identify an individual patient shall not be released,
14 notwithstanding any other provision of law.

15 SECTION 6. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 1-710.6 of Title 63, unless
17 there is created a duplication in numbering, reads as follows:

18 A determination that a hospital has violated the provisions of
19 this act may result in one or both of the following:

20 1. Termination of licensure or other sanctions relating to
21 licensure as defined in Section 1-701 et seq. of Title 63 of the
22 Oklahoma Statutes; and
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1 2. A civil penalty of up to One Thousand Dollars (\$1,000.00)
2 per day per violation for each day the hospital is in violation of
3 the act.

4 SECTION 7. NEW LAW A new section of law to be codified
5 in the Oklahoma Statutes as Section 1-710.7 of Title 63, unless
6 there is created a duplication in numbering, reads as follows:

7 The Department shall be responsible for ensuring compliance with
8 this act as a condition of licensure under Section 1-701 et seq. of
9 Title 63 of the Oklahoma Statutes and shall enforce such compliance
10 according to the provisions of Section 1-701 et seq. of Title 63 of
11 the Oklahoma Statutes.

12 SECTION 8. This act shall become effective November 1, 2008.

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