

HOUSE BILL No. 2342

By Committee on Health and Human Services

2-1

9 AN ACT concerning the department of health and environment; relating
10 to hospital-acquired infections; establishing an advisory committee;
11 amending K.S.A. 65-430 and repealing the existing section.
12

13 *Be it enacted by the Legislature of the State of Kansas:*

14 New Section 1. This act shall be known as and may be cited as the
15 “hospital infections disclosure act.”

16 New Sec. 2. For the purposes of this act:

17 (a) “Department” means the department of health and environment.

18 (b) “Hospital” means any general or specialty hospital as defined in
19 K.S.A. 65-425, and amendments thereto.

20 (c) “Hospital-acquired infection” means a localized or systemic con-
21 dition (1) that results from an adverse reaction to the presence of an
22 infectious agent or its toxin and (2) that was not present or incubating at
23 the time of admission to the hospital.

24 (d) “Secretary” means the secretary of health and environment.

25 New Sec. 3. (a) Individual hospitals shall collect data on hospital-
26 acquired infection rates for the specific procedures determined by the
27 department, including, but not limited to, the following categories:

28 (1) Surgical site infections;

29 (2) ventilator-associated pneumonia;

30 (3) central line-related bloodstream infections;

31 (4) urinary tract infections; and

32 (5) other categories as provided under subsection (d) of this section.

33 (b) (1) Hospitals shall submit quarterly reports to the department on
34 dates set by the secretary, in a format set forth by the secretary by rules
35 and regulations. Data in the quarterly reports shall cover a period ending
36 not earlier than one month prior to the submission of the report. Quar-
37 terly reports shall be made available to the public at each hospital and
38 through the department. The first quarterly report shall be due in 2008.

39 (2) If the hospital is a division or subsidiary of another entity that
40 owns or operates other hospitals or related organizations, the quarterly
41 report shall be for the specific division or subsidiary and not for the other
42 entity.

43 (3) Each physician who performs a clinical procedure to be reported

1 in accordance with sections 1 through 7, and amendments thereto, shall
2 report to the hospital at which the clinical procedure was performed a
3 hospital-acquired infection that the physician diagnoses at a follow-up
4 appointment with the patient. The advisory committee created in sub-
5 section (c) shall establish standardized criteria and methods for these
6 reports. This information shall be included in the hospital reports to the
7 department.

8 (c) (1) The secretary shall appoint an advisory committee, including
9 representatives from public and private hospitals, hospital infection con-
10 trol departments, direct care nursing staff, licensed physicians, epidemi-
11 ologists with expertise in hospital-acquired infections, academic research-
12 ers, consumer organizations, health insurers, health maintenance
13 organizations, organized labor and purchasers of health insurance, such
14 as employers. The majority of the members shall represent interests other
15 than hospitals.

16 (2) The advisory committee shall assist the department in the devel-
17 opment of all aspects of the departments methodology for collecting,
18 analyzing and disclosing the information collected under this act, includ-
19 ing collection methods, formatting and methods and means for release
20 and dissemination of the data.

21 (3) In developing the methodology for collecting and analyzing the
22 infection rate data, the department and the advisory committee shall con-
23 sider existing methodologies and systems for data collection, such as the
24 center for disease control's national health care safety network or its suc-
25 cessor. However, the department's discretion to adopt a methodology
26 shall not be limited or restricted to any existing methodology or system.
27 The data collection and analysis methodology shall be disclosed to the
28 public prior to any public disclosure of hospital-acquired infection rates.

29 (4) The department and the advisory committee shall evaluate on a
30 regular basis the quality and accuracy of hospital information reported
31 under sections 1 through 7, and amendments thereto, and the data col-
32 lection, analysis and dissemination methodologies.

33 (d) The department may, after consultation with the advisory com-
34 mittee, require hospitals to collect data on hospital-acquired infection
35 rates in categories additional to those set forth in subsection (a).

36 New Sec. 4. (a) The department shall annually submit to the gov-
37 ernor and the legislature a report summarizing the hospital quarterly re-
38 ports and shall publish such report on its website. The first annual report
39 shall be submitted and published in 2008. Following the initial annual
40 report, the department shall update the public information on a quarterly
41 basis.

42 (b) All reports issued by the department shall be risk-adjusted or use
43 some other method to account for the differences in patient populations

1 among hospitals.

2 (c) The annual report shall compare the hospital-acquired infection
3 rates collected under section 3, and amendments thereto, for each indi-
4 vidual hospital in the state. The department, in consultation with the
5 advisory committee, shall make this comparison as easy to understand as
6 possible. The report shall include an executive summary, written in plain
7 language, that shall include, but not be limited to, a discussion of the
8 findings, conclusions and trends concerning the overall state of hospital-
9 acquired infections in the state, including a comparison to prior years.
10 The report may include policy recommendations as appropriate.

11 (d) The department shall publicize the report and its availability as
12 widely as practical to interested parties, including, but not limited to,
13 hospitals, providers, media organizations, health insurers, health main-
14 tenance organizations, purchasers of health insurance, organized labor,
15 consumer or patient advocacy groups and individual consumers. The an-
16 nual report shall be made available upon request.

17 (e) No hospital report or department disclosure may contain infor-
18 mation identifying a patient, employee or licensed health care profes-
19 sional in connection with a specific infection incident.

20 New Sec. 5. It is the express intent of the legislature that a patient's
21 right of confidentiality shall not be violated in any manner. Patient social
22 security numbers and any other information that could be used to identify
23 an individual patient shall not be released notwithstanding any other pro-
24 vision of law.

25 New Sec. 6. A determination that a hospital has violated the provi-
26 sions of this act may result in the following:

27 (a) Termination of licensure or other sanctions relating to licensure
28 of hospitals.

29 (b) A civil penalty of up to \$1,000 per day for each day the hospital
30 is in violation of the act.

31 New Sec. 7. The department shall be responsible for ensuring the
32 provisions of this act as a condition of licensure under K.S.A. 65-425 et
33 seq., and amendments thereto, and shall enforce such compliance ac-
34 cording to the provisions for hospital licensure.

35 Sec. 8. K.S.A. 65-430 is hereby amended to read as follows: 65-430.
36 The licensing agency may deny, suspend or revoke a license in any case
37 in which it finds that there has been a substantial failure to comply with
38 the requirements established under this law, a failure to report any in-
39 formation required to be reported by K.S.A. 65-28,121 or 65-4216 and
40 amendments to such sections, ~~or~~ a failure to maintain a risk management
41 program as required by K.S.A. 65-4922 and amendments thereto, *or a*
42 *failure to comply with the requirements of section 3, and amendments*
43 *thereto*, after notice and an opportunity for hearing to the applicant or

1 licensee in accordance with the provisions of the Kansas administrative
2 procedure act.
3 Sec. 9. K.S.A. 65-430 is hereby repealed.
4 Sec. 10. This act shall take effect and be in force from and after its
5 publication in the statute book.