

By: Senator(s) Hyde-Smith

To: Public Health and  
Welfare; Appropriations

SENATE BILL NO. 2929

1 AN ACT ENTITLED THE HOSPITAL INFECTIONS DISCLOSURE ACT TO  
2 DIRECT HOSPITALS TO COLLECT DATA ON HOSPITAL-ACQUIRED INFECTION  
3 RATES FOR CERTAIN CLINICAL PROCEDURES; TO PROVIDE FOR THE  
4 APPOINTMENT OF AN ADVISORY COUNCIL TO DEVELOP A METHOD FOR  
5 COLLECTING SUCH DATA; TO PROVIDE FOR ANNUAL REPORTS; TO PROVIDE  
6 FOR CONFIDENTIALITY; TO PROVIDE CIVIL PENALTIES FOR NONCOMPLIANCE;  
7 TO AMEND SECTIONS 41-9-15 AND 41-9-17, MISSISSIPPI CODE OF 1972,  
8 TO PROVIDE THAT COMPLIANCE WITH INFECTIONS DISCLOSURE REQUIREMENT  
9 IS A CONDITION FOR ISSUANCE AND RENEWAL OF A HOSPITAL'S LICENSE;  
10 AND FOR RELATED PURPOSES.

11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

12 **SECTION 1.** (1) This act may be cited as the Hospital  
13 Infections Disclosure Act.

14 (2) For purposes of this act:

15 (a) "Department" means the Mississippi State Department  
16 of Health.

17 (b) "Hospital" means an acute care health care facility  
18 licensed under Section 41-9-1 et seq.

19 (c) "Hospital-acquired infection" means a localized or  
20 systemic condition (i) that results from adverse reaction to the  
21 presence of an infectious agent(s) or its toxin(s), and (ii) that  
22 was not present or incubating at the time of admission to the  
23 hospital.

24 (3) (a) Individual hospitals shall collect data on  
25 hospital-acquired infection rates for the specific clinical  
26 procedures determined by the department by regulation, including  
27 the following categories:

- 28 (i) Surgical site infections;
- 29 (ii) Ventilator-associated pneumonia;
- 30 (iii) Central line-related bloodstream infections;
- 31 (iv) Urinary tract infections; and

32 (v) Other categories as provided under subsection  
33 (4) of this section.

34 (b) Hospitals shall submit quarterly reports on their  
35 hospital-acquired infection rates to the department. Quarterly  
36 reports shall be submitted, in a format set forth in regulations  
37 adopted by the department, to the department by April 30, July 31,  
38 October 31 and January 31 each year for the previous quarter.  
39 Data in quarterly reports must cover a period ending not earlier  
40 than one (1) month prior to submission of the report. Quarterly  
41 reports shall be made available to the public at each hospital and  
42 through the department. The first quarterly report shall be due  
43 in 2006. If the hospital is a division or subsidiary of another  
44 entity that owns or operates other hospitals or related  
45 organizations, the quarterly report shall be for the specific  
46 division or subsidiary and not for the other entity.

47 (4) The Executive Director of the Mississippi State  
48 Department of Health shall appoint an advisory committee,  
49 including representatives from public and private hospitals, from  
50 hospital infection control departments, direct care nursing staff,  
51 physicians, epidemiologists with expertise in hospital-acquired  
52 infections, academic researchers, consumer organizations, health  
53 insurers, health maintenance organizations, organized labor and  
54 purchasers of health insurance, such as employers. The advisory  
55 committee shall have a majority of members representing interests  
56 other than hospitals. The advisory committee shall assist the  
57 department in the development of all aspects of the department's  
58 methodology for collecting, analyzing and disclosing the  
59 information collected under this act, including collection  
60 methods, formatting and methods and means for release and  
61 dissemination. The department and the advisory committee shall  
62 evaluate on a regular basis the quality and accuracy of hospital  
63 information reported under this act and the data collection,  
64 analysis and dissemination methodologies. The department may,

65 after consultation with the advisory committee, require hospitals  
66 to collect data on hospital-acquired infection rates in categories  
67 additional to those set forth in subsection (3).

68 (5) The department shall annually submit to the Legislature  
69 a report summarizing the hospital quarterly reports and shall  
70 publish the annual report on its website. The first annual report  
71 shall be submitted and published in 2007. The department may  
72 issue quarterly informational bulletins at its discretion,  
73 summarizing all or part of the information submitted in the  
74 hospital quarterly reports. All reports issued by the department  
75 shall be risk adjusted. The annual report shall compare the  
76 risk-adjusted hospital-acquired infection rates, collected under  
77 Section 3 of this act, for each individual hospital in the state.  
78 The department, in consultation with the advisory committee, shall  
79 make this comparison as easy to comprehend as possible. The  
80 report shall also include an executive summary, written in plain  
81 language, that shall include, but not be limited to, a discussion  
82 of findings, conclusions and trends concerning the overall state  
83 of hospital-acquired infections in the state, including a  
84 comparison to prior years. The report may include policy  
85 recommendations, as appropriate. The department shall publicize  
86 the report and its availability as widely as practical to  
87 interested parties, including, but not limited to, hospitals,  
88 providers, media organizations, health insurers, health  
89 maintenance organizations, purchasers of health insurance,  
90 organized labor, consumer or patient advocacy groups and  
91 individual consumers. The annual report shall be made available  
92 to any person upon request.

93 (6) No hospital report or department disclosure may contain  
94 information identifying a patient, employee or licensed health  
95 care professional in connection with a specific infection  
96 incident. It is the expressed intent of the Legislature that a  
97 patient's right of confidentiality shall not be violated in any

98 manner. Patient social security numbers and any other information  
99 that could be used to identify an individual patient shall not be  
100 released notwithstanding any other provision of law.

101 (7) A determination that a hospital has violated the  
102 provisions of this section may result in any of the following:

103 (a) Termination of licensure or other sanctions  
104 relating to licensure under Section 41-9-15.

105 (b) A civil penalty of up to One Thousand Dollars  
106 (\$1,000.00) per day per violation for each day the hospital is in  
107 violation of the act, to be imposed by the department.

108 (8) The department shall be responsible for ensuring  
109 compliance with this section as a condition of licensure and shall  
110 enforce such compliance.

111 **SECTION 2.** Section 41-9-15, Mississippi Code of 1972, is  
112 amended as follows:

113 41-9-15. The licensing agency, after notice and opportunity  
114 for hearing to the applicant or licensee, is authorized to deny,  
115 suspend or revoke a license in any case in which it finds that  
116 there has been a substantial failure to comply with the  
117 requirements established under Section 41-9-1 through 41-9-35.

118 Such notice shall be effected by registered mail, or by  
119 personal service, setting forth the particular reasons for the  
120 proposed action and a fixing date not less than thirty (30) days  
121 from the date of such mailing or service, at which the applicant  
122 or licensee shall be given an opportunity for a prompt and fair  
123 hearing. On the basis of any such hearing, or upon default of the  
124 applicant or licensee, the licensing agency shall make a  
125 determination specifying its findings of fact and conclusions of  
126 law. A copy of such determination shall be sent by registered  
127 mail or served personally upon the applicant or licensee. The  
128 decision revoking, suspending or denying the license or  
129 application shall become final thirty (30) days after it is so  
130 mailed or served, unless the applicant or licensee, within such

131 thirty-day period, appeals the decision, pursuant to Section  
132 41-9-31.

133 The procedure governing hearings authorized by this section  
134 shall be in accordance with rules promulgated by the licensing  
135 agency. A full and complete record shall be kept of all  
136 proceedings, and all testimony shall be reported but need not be  
137 transcribed unless the decision is appealed pursuant to Section  
138 41-9-31. Witnesses may be subpoenaed by either party.  
139 Compensation shall be allowed to witnesses as in cases in the  
140 chancery court. Each party shall pay the expense of his own  
141 witnesses. The cost of the record shall be paid by the licensing  
142 agency. Any other party desiring a copy of the transcript shall  
143 pay therefor the reasonable cost of preparing the same.

144 The licensing agency shall be responsible for ensuring  
145 compliance with hospital-acquired infections disclosure  
146 requirements in Section 1 of Senate Bill No. \_\_\_\_\_, 2005 Regular  
147 Session, and may impose a civil penalty of One Thousand Dollars  
148 (\$1,000.00) per day per violation for each day the hospital is in  
149 violation of such requirements.

150 **SECTION 3.** Section 41-9-17, Mississippi Code of 1972, is  
151 amended as follows:

152 41-9-17. The licensing agency shall adopt, amend, promulgate  
153 and enforce such rules, regulations and standards with respect to  
154 all hospitals to be licensed under Section 41-9-11 as may be  
155 designed to further the accomplishment of the purposes of Sections  
156 41-9-1 through 41-9-35 in promoting safe and adequate treatment of  
157 individuals in hospitals in the interest of public health, safety  
158 and welfare. Any rule, regulation or standard adopted hereunder  
159 shall be considered as promulgated and effective from and after  
160 the time the same is recorded and indexed in a book to be  
161 maintained by the licensing agency in its main office in the State  
162 of Mississippi, entitled "Minimum Standard of Operation for  
163 Mississippi Hospitals." Said book shall be open and available to

164 all hospitals and the public generally at all reasonable times.  
165 Upon the adoption of any such rule, regulation or standard, the  
166 licensing agency shall mail copies thereof to all hospitals in the  
167 state which have filed with said agency their names and addresses  
168 for this purpose, but the failure to mail the same or the failure  
169 of the hospital to receive the same shall in nowise affect the  
170 validity thereof. No such rules, regulations or standards shall  
171 be adopted or enforced which would have the effect of denying a  
172 license to a hospital or other institution required to be  
173 licensed, solely by reason of the school or system of practice  
174 employed or permitted to be employed therein.

175 In addition, the licensing agency shall ensure compliance  
176 with the hospital-acquired infection disclosure requirements of  
177 Section 1 of Senate Bill No. \_\_\_\_\_, 2005 Regular Session, as a  
178 condition of licensure under this chapter.

179 **SECTION 4.** This act shall take effect and be in force from  
180 and after July 1, 2005.