

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.