

JAN 12 2005  
HUMAN RESOURCES

HOUSE FILE 44  
BY GASKILL and MURPHY

(COMPANION TO LSB 1031SS  
BY BOLKCOM)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to the disclosure of hospital-acquired infections  
2 and providing penalties.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 44

1 Section 1. NEW SECTION. 135M.1 SHORT TITLE.

2 This chapter shall be known and may be cited as the  
3 "Hospital Infections Disclosure Act".

4 Sec. 2. NEW SECTION. 135M.2 DEFINITIONS.

5 For purposes of this chapter, unless the context otherwise  
6 requires:

7 1. "Department" means the department of inspections and  
8 appeals.

9 2. "Hospital" means hospital as defined in section 135B.1  
10 and includes a hospital-affiliated or freestanding outpatient  
11 surgical facility as defined in section 135.61.

12 3. "Hospital-acquired infection" means a localized or  
13 systemic condition that results from an adverse reaction to  
14 the presence of an infectious agent or its toxin that was not  
15 present or incubating at the time of admission to the  
16 hospital.

17 Sec. 3. NEW SECTION. 135M.3 HOSPITAL REPORTS.

18 1. A hospital shall collect data on hospital-acquired  
19 infection rates for specific clinical procedures specified by  
20 the department by rule including but not limited to all of the  
21 following infection categories:

22 a. Surgical site infections.

23 b. Ventilator-associated pneumonia.

24 c. Central line-related bloodstream infections.

25 d. Urinary tract infections.

26 e. Other infection categories as provided under subsection  
27 4, paragraph "e".

28 2. a. A hospital shall submit a report on hospital-  
29 acquired infection rates to the department on a quarterly  
30 basis in the format and based upon the schedule established by  
31 rule of the department. Data included in a quarterly report  
32 shall cover the period ending no earlier than one month prior  
33 to submission of the report.

34 b. A hospital's quarterly report shall be made available  
35 to the public at the hospital and through the department.

1 3. If a hospital is a division or subsidiary of another  
2 entity that owns or operates other hospitals or related  
3 organizations, the hospital's quarterly report shall reflect  
4 only the individual data for that specific hospital and not  
5 for any other hospital or related organization of the entity.

6 4. a. The director of the department shall appoint an  
7 advisory committee, including representatives of public and  
8 private hospitals, hospital infection control departments,  
9 direct care nursing staff, physicians, epidemiologists with  
10 expertise in hospital-acquired infections, academic  
11 researchers, consumer organizations, health insurers, health  
12 maintenance organizations, organized labor, and purchasers of  
13 health insurance such as employers. The majority of the  
14 members of the advisory committee shall not represent the  
15 interests of hospitals.

16 b. The advisory committee shall assist the department in  
17 the development of the department's methodology for  
18 collecting, analyzing, and disclosing the data collected under  
19 this chapter.

20 c. In developing the methodology for collecting and  
21 analyzing the hospital-acquired infection rate data, the  
22 department and advisory committee shall consider existing  
23 methodologies and systems for data collection, including but  
24 not limited to the national nosocomial infection surveillance  
25 system of the centers for disease control and prevention of  
26 the United States department of health and human services, but  
27 the department's discretion to adopt a methodology shall not  
28 be limited or restricted to any existing methodology or  
29 system. The data collection and analysis methodology shall be  
30 disclosed to the public prior to any public disclosure of  
31 hospital-acquired infection rates.

32 d. The department and the advisory committee shall  
33 evaluate the quality and accuracy of hospital data reported  
34 pursuant to this chapter and the data collection, analysis,  
35 and disclosure methodologies on a regular basis.

1 e. The department may, after consultation with the  
2 advisory committee, require hospitals to collect data on  
3 hospital-acquired infection rates in infection categories in  
4 addition to those specified in subsection 1.

5 Sec. 4. NEW SECTION. 135M.4 DEPARTMENT REPORTS.

6 1. The department shall submit a report to the general  
7 assembly annually, summarizing the hospital quarterly reports  
8 submitted pursuant to section 135M.3, and shall publish the  
9 annual report on the department's website. The department may  
10 issue quarterly informational bulletins at the department's  
11 discretion, summarizing all or part of the data submitted in  
12 the hospital quarterly reports.

13 2. All reports issued by the department shall be risk  
14 adjusted based upon risk-adjustment criteria adopted by rule  
15 of the department.

16 3. The annual report shall provide a comparison of the  
17 risk-adjusted hospital-acquired infection rates, collected  
18 under section 135M.3 for each individual hospital in the  
19 state. The department, in consultation with the advisory  
20 committee, shall provide the comparison in a manner easily  
21 comprehensible to the public. The annual report shall also  
22 include an executive summary, written in plain language, that  
23 shall include, but not be limited to, a discussion of  
24 findings, conclusions, and trends concerning the overall state  
25 of hospital-acquired infections in the state, including a  
26 comparison to prior years. The report may include policy  
27 recommendations, as deemed appropriate by the department.

28 4. The department shall publicize the report and its  
29 availability to interested parties, including, but not limited  
30 to, hospitals, health care providers, media organizations,  
31 health insurers, health maintenance organizations, purchasers  
32 of health insurance, organized labor, consumer or patient  
33 advocacy groups, and individual consumers. A written copy of  
34 the annual report shall be made available to any person upon  
35 request.

1 5. A hospital report or a disclosure by the department  
2 shall not contain information identifying a patient, employee,  
3 or licensed health care professional in connection with a  
4 specific hospital-acquired infection incident.

5 Sec. 5. NEW SECTION. 135M.5 CONFIDENTIALITY.

6 Any data reported or disclosed pursuant to this chapter  
7 shall be reported and disclosed in a manner that maintains a  
8 patient's confidentiality. Patient social security numbers  
9 and any other information that could be used to identify an  
10 individual patient shall not be disclosed pursuant to this  
11 chapter notwithstanding any other provision of law.

12 Sec. 6. NEW SECTION. 135M.6 PENALTIES.

13 A hospital that violates a provision of this chapter may be  
14 subject to any of the following:

15 1. Denial, suspension, or revocation of licensure pursuant  
16 to chapter 135B.

17 2. A civil penalty of up to one thousand dollars per  
18 violation for each day the hospital is in violation of this  
19 chapter.

20 Sec. 7. NEW SECTION. 135M.7 CONDITION OF LICENSURE.

21 The department shall enforce this chapter as a condition of  
22 licensure under chapter 135B and shall enforce such compliance  
23 in accordance with that chapter.

24 Sec. 8. Section 135B.7, Code 2005, is amended by adding  
25 the following new unnumbered paragraph:

26 NEW UNNUMBERED PARAGRAPH. The rules shall require that as  
27 a condition of licensure the hospital comply with chapter 135M  
28 and that violation of a provision of chapter 135M is grounds  
29 for denial, suspension, or revocation of a license under this  
30 chapter.

31 EXPLANATION

32 This bill establishes new Code chapter 135M as the hospital  
33 infections disclosure Act. The bill defines "hospital" to  
34 include an acute care hospital and a hospital-affiliated or  
35 freestanding outpatient surgical center and provides that the

1 chapter is to be enforced by the department of inspections and  
2 appeals. The bill requires hospitals to report specified data  
3 relating to hospital-acquired infection rates on a quarterly  
4 basis and in a format and schedule established by rule of the  
5 department. The bill directs the director of the department  
6 to appoint an advisory committee to assist in the development  
7 of the methodology for the collecting, analyzing, and  
8 disclosing of the data. The bill directs the department to  
9 submit annual reports summarizing the data collected in the  
10 quarterly reports to the general assembly and to publish the  
11 annual report on the department's website. The bill provides  
12 for confidentiality of the data collected and for the  
13 protection of patients' privacy. The bill provides that a  
14 hospital that violates a provision of the bill is subject to  
15 denial, suspension, or revocation of licensure or a civil  
16 penalty of up to \$1,000 per day per violation. The bill  
17 provides that compliance with the new Code chapter is a  
18 condition of licensure under the hospital licensing chapter  
19 (Code chapter 135B).

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