

# HOUSE BILL REPORT

## HB 1106

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### As Reported by House Committee On:

Health Care & Wellness

Appropriations

**Title:** An act relating to the reporting of infections acquired in health care facilities.

**Brief Description:** Requiring reporting of hospital-acquired infections in health care facilities.

**Sponsors:** Representatives Campbell, Chase, Hankins, Morrell, Appleton, Hudgins, McDermott and Wallace.

### Brief History:

#### Committee Activity:

Health Care & Wellness: 1/24/07, 2/8/07 [DPS];

Appropriations: 2/22/07, 2/26/07 [DP2S(w/o sub HCW)].

#### Brief Summary of Second Substitute Bill

- Beginning July 1, 2008, requires hospitals to collect data on certain health care associated infections and report the data to the federal government and release or grant access to this information to the Department of Health.
- Requires the Department of Health to publish at least annually a report, beginning December 1, 2009, that compares health-care associated infections outcomes at individual hospitals.

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### HOUSE COMMITTEE ON HEALTH CARE & WELLNESS

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 11 members: Representatives Cody, Chair; Morrell, Vice Chair; Hinkle, Ranking Minority Member; Barlow, Campbell, Curtis, Green, Moeller, Pedersen, Schual-Berke and Seaquist.

**Minority Report:** Do not pass. Signed by 2 members: Representatives Alexander, Assistant Ranking Minority Member and Condotta.

**Staff:** Chris Cordes (786-7103).

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

## **Background:**

### National Surveillance of Health Care-Associated Infection

The United States Centers for Disease Control and Prevention (CDC) has collected data about hospital-acquired infections since 1970 through the National Nosocomial Infections Surveillance System. This program has been collecting information from approximately 300 large hospitals on a voluntary, confidential basis. Redesigned as the National Healthcare Safety Network in 2006, the new web-based program became available for use by all health care facilities in 2006. The database is intended to serve three functions:

- describe the epidemiology of health care-associated infections;
- describe the antimicrobial resistance associated with these infections; and
- produce aggregated infection rates suitable for interhospital comparisons.

From its collected data, the CDC estimates that approximately two million patients are infected each year as a result of the health care services that they received and about 90,000 of these patients die from those infections.

### Washington State Requirements for Hospital Infection Control and Quality Improvement

The Department of Health (DOH) hospital licensing standards require hospitals to maintain infection control programs to reduce the occurrence of hospital-acquired infections. As a part of this program, hospitals must adopt policies and procedures consistent with CDC guidelines regarding infection control in hospitals.

Hospitals are also required by statute to maintain a coordinated quality improvement program to improve the quality of health care services rendered to patients. Among other things, the program must:

- collect and maintain information on the hospital's experience with negative health care outcomes and incidents injurious to patients;
- provide education programs dealing with quality improvement; and
- make reports to the hospital's board.

### Other States' Requirements for Health Care-Associated Infection Reporting

In 2003 Pennsylvania became the first state to require its hospitals to report health-care associated infections. Of the other 14 state laws enacted to require this reporting since 2003, eight were enacted in 2006. The states requiring reporting are California, Colorado, Connecticut, Florida, Illinois, Maryland, Missouri, Nevada, New Hampshire, New York, Pennsylvania, South Carolina, Tennessee, Vermont, and Virginia.

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## **Summary of Substitute Bill:**

### Hospital Reporting of Health Care-Associated Infections

Acute care hospitals and hospital-owned ambulatory surgical facilities required to be licensed must collect data on health care-associated infections according to the definitions and methods

of the Centers for Disease Control and Prevention's National Healthcare Safety Network (NHSN). The categories to be reported are phased in as follows:

- on July 1, 2008, reporting begins on central line-associated bloodstream infections in the intensive care unit;
- on January 1, 2009, reporting begins on ventilator-associated pneumonia and, as determined by the Department of Health (DOH), on antimicrobial use and resistance;
- on January 1, 2010, reporting begins on surgical site infections for selected procedures, as determined by the DOH; and
- on January 1, 2011, reporting begins on other categories as determined by the DOH.

The DOH may add categories to be reported if they are reported under the NHSN and are found to be necessary to protect public health and safety, and may delete categories found to be no longer necessary to protect public health and safety.

Hospitals must routinely submit the data to the NHSN in accordance with its requirements. Data collection and submission must be overseen by a trained infection control professional, except in hospitals with fewer than 50 licensed beds. Hospitals must release their hospital-specific NHSN report to the DOH. These reports obtained by the DOH, and the information contained in the reports, are not subject to public disclosure or discovery and are not admissible as evidence in a court proceeding.

Hospitals are also required to maintain and collect information on health care-associated infections in their quality improvement programs and to include infection control information in their quality improvement education programs.

#### DOH Annual Reports on Health Care-Associated Infections

By December 1, 2009, and at least annually thereafter, the DOH must prepare and publish a report on the agency's website that compares the health care-associated infection outcomes at each individual hospital using the data reported in the previous year. This report must not disclose information about individual patients and must not include data sets determined by the DOH to be too small or unrepresentative of a hospital's ability to achieve an outcome.

In preparing the report and carrying out its oversight responsibilities for the infection reporting program, the DOH must consider the recommendations of an advisory committee consisting of infection control professionals and epidemiologists, licensed health care providers, nursing staff, organizations that represent health care providers and facilities, health maintenance organizations, health care payers and consumers, and the DOH. In developing recommendations, the advisory committee must consider methodologies related to health care-associated infection reporting of the Centers for Disease Control and Prevention, the Centers for Medicare and Medicaid Services, the Joint Commission, the National Quality Forum, and the Institute for Healthcare Improvement. The advisory committee is expressly allowed to make recommendations on allowing a hospital to review and verify data to be released in the report and on excluding selected data from small certified critical access hospitals.

The DOH may respond to data requests, at the requestor's expense, for analysis consistent with confidentiality of patient records and quality improvement.

#### Funding for Health Care-Associated Infection Surveillance Activities

Funds of \$480,000 from the State General Fund are appropriated to the DOH for surveillance and other activities related to preventing the spread of methicillin-resistant staphylococcus aureus and other multidrug resistant organisms. An account is created from which the DOH may award hospital infection control grants to hospitals and public agencies for infection control and surveillance programs.

#### **Substitute Bill Compared to Original Bill:**

The substitute bill: (1) requires hospitals to report routinely to the CDCs' National Healthcare Safety Network, instead of the DOH, with a reporting phase-in that begins on July 1, 2008; (2) allows the DOH to add other reporting categories if those categories are reported through the CDC and are determined to be necessary to protect public health and safety, and to remove reporting requirements that are determined to be no longer necessary to protect public health and safety; (3) applies the reporting requirement to hospital-owned ambulatory surgical facilities on the effective date of state licensure; (4) requires reporting to be overseen by a trained infection control professional, except in hospitals with fewer than 50 beds; (5) with respect to the report published by the DOH, deletes the requirement for risk adjustment of the data, allows quarterly updates to the report, and requires the first report on December 1, 2009; (6) allows the addition of health care providers and facilities, health care payers and consumers, and other interested parties to the advisory committee, and adds that the advisory committee may make recommendations to assist the DOH in carrying out its responsibilities, including recommendations on specified issues; (7) deletes the 2009 report to the Legislature on national activities related to health care-associated infections; (8) appropriates \$480,000 from the State General Fund to the DOH for surveillance and other activities related to preventing the spread of methicillin-resistant staphylococcus aureus and other multidrug resistant organisms; and (9) creates an account from which the DOH may award hospital infection control grants to hospitals and public agencies for infection control and surveillance programs.

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**Appropriation:** The sum of \$480,000 from the General Fund to the Department of Health.

**Fiscal Note:** Original available. Substitute requested on February 8, 2007.

**Effective Date of Substitute Bill:** The bill takes effect 90 days after adjournment of session in which bill is passed.

#### **Staff Summary of Public Testimony:**

(In support) The first state to require infection reporting for hospitals was Pennsylvania. The hospitals there are helping to shape the system with constructive criticism. The reports from that state show astounding costs related to health care-associated infections. This is a place to

find large savings in the health care system. It is time to move forward with reporting and learning from those who have already broken ground. A system could be developed to report infection rates where consistent standards have been developed. The hospitals need outcome data to know what they are dealing with. Funding is needed to provide agency staff to assist with antibiotic-resistant bacteria. The CDC reporting system was adapted from a system intended to be a sentinel system. That system provides guides to what a good system should have: it should be evidence-based and multidisciplinary, use proven measures, be phased in over time to allow evaluation, and allow regular and confidential feedback to facilities. Some other states require participation in the CDC reporting system. The goal of facilities should be zero health care-associated infections.

(With concerns) While Pennsylvania leads in reporting, Washington leads in efforts to reduce infections. There are now nationally recognized standards with uniform definitions through the National Quality Forum, which Washington should use. This would allow hospitals to report to the Hospital Compare system. Hospitals have a large number of reporting requirements, and the bill should make it as easy as possible to comply. Ambulatory surgical centers should not be included, because hospitals only collect inpatient data. The list of reported infections should be finite, with legislative review to add future items. The hospitals have taken steps, such as the hand hygiene initiative to decrease infections by 50 percent. Small hospitals do not report infection data now. The hospitals need help to fight methicillin-resistant staphylococcus aureus infections. The state no longer has funding to help with antibiotic-resistant bacteria issues.

(Opposed) None.

**Persons Testifying:** Representative Campbell, prime sponsor; Lauren Moughon, American Association of Retired Persons; and Brian Peyton, Department of Health.

(With concerns) Lisa Thatcher and Jeanette Harris, Washington Hospital Association and MultiCare Health Systems.

**Persons Signed In To Testify But Not Testifying:** None.

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## HOUSE COMMITTEE ON APPROPRIATIONS

**Majority Report:** The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Health Care & Wellness.

Signed by 30 members: Representatives Sommers, Chair; Dunshee, Vice Chair; Bailey, Assistant Ranking Minority Member; Haler, Assistant Ranking Minority Member; Anderson, Cody, Conway, Darneille, Dunn, Ericks, Fromhold, Grant, Haigh, Hinkle, Hunt, Hunter, Kagi, Kenney, Kessler, Linville, McDermott, McDonald, McIntire, Morrell, Pettigrew, Priest, Schual-Berke, Seaquist, P. Sullivan and Walsh.

**Minority Report:** Do not pass. Signed by 4 members: Representatives Alexander, Ranking Minority Member; Buri, Chandler and Kretz.

**Staff:** Bernard Dean (786-7130).

**Summary of Recommendation of Committee On Appropriations Compared to Recommendation of Committee On Health Care & Wellness:**

The Appropriations Committee recommended authorizing the Department of Health (DOH) to require reporting under the Centers for Medicare and Medicaid Services (CMS) Hospital Compare program as opposed to the Centers for Disease Control (CDC) National Healthcare Safety Network if such reporting is recommended by the advisory committee established in the bill; reported procedures and events are substantially the same; the information is available to the DOH; and the DOH determines that reporting to the CMS Hospital Compare program will facilitate reporting and will provide substantially the same information to the hospitals and the public as reporting under the CDC system. Ambulatory surgical centers would continue reporting under the CDC system unless the DOH determines that the Hospital Compare is available to them. The Appropriations Committee required reporting to be overseen by a trained infection control professional in all hospitals. Additionally, a null and void clause was added and a general fund state appropriation in the amount of \$480,000 for the DOH to implement a program to prevent and monitor the spread of multi-drug resistant organisms is removed. A number of other technical and clarifying changes are specified.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Second Substitute Bill:** The bill takes effect 90 days after adjournment of session in which the bill is passed. However, the bill is null and void unless funding is provided in the budget.

**Staff Summary of Public Testimony:**

(In support) Section 5 of the bill creates an account that could be funded with public or private moneys that could then go out for infection control efforts. Section 6 is very important to hospitals, patients, and the broader community. It would replace lost federal moneys through the Department of Health that were used to help with surveillance tracking and information on multi-drug resistant organisms.

(Opposed) None.

**Persons Testifying:** Lisa Thatcher, Washington State Hospital Association.

**Persons Signed In To Testify But Not Testifying:** None.