

By: Davis of Dallas

H.B. No. 1386

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the reporting of health care-associated infections at  
3 health care facilities.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 98.103, Health and Safety Code, is  
6 amended to read as follows:

7 Sec. 98.103. REPORTABLE INFECTIONS. (a) A health care  
8 facility[~~, other than a pediatric and adolescent hospital,~~] shall  
9 report to the department the incidence of health care-associated  
10 [~~surgical-site~~] infections occurring at the facility and shall in  
11 the report:

12 (1) include information relating to the types of  
13 patients treated by the health care facility;

14 (2) for each reported infection, state the source of  
15 the infection;

16 (3) specify which infections occurred in the following  
17 procedures:

18 (A) [~~(1)~~] colon surgeries;

19 (B) [~~(2)~~] hip arthroplasties;

20 (C) [~~(3)~~] knee arthroplasties;

21 (D) [~~(4)~~] abdominal hysterectomies;

22 (E) [~~(5)~~] vaginal hysterectomies;

23 (F) [~~(6)~~] coronary artery bypass grafts; and

24 (G) [~~(7)~~] vascular procedures; and

1            (4) specify which infections resulted in the death of  
2 the patient.

3            (b) ~~[A pediatric and adolescent hospital shall report the~~  
4 ~~incidence of surgical site infections occurring in the following~~  
5 ~~procedures to the department.~~

6            ~~[(1) cardiac procedures, excluding thoracic cardiac~~  
7 ~~procedures,~~

8            ~~[(2) ventriculoperitoneal shunt procedures, and~~

9            ~~[(3) spinal surgery with instrumentation.~~

10           ~~[(c) A general hospital shall report the following to the~~  
11 ~~department.~~

12           ~~[(1) the incidence of laboratory-confirmed central~~  
13 ~~line-associated primary bloodstream infections occurring in any~~  
14 ~~special care setting in the hospital; and~~

15           ~~[(2) the incidence of respiratory syncytial virus~~  
16 ~~occurring in any pediatric inpatient unit in the hospital.~~

17           ~~[(d)]~~ The department shall ensure that the health  
18 care-associated infections a health care facility is required to  
19 report under this section have the meanings assigned by the federal  
20 Centers for Disease Control and Prevention.

21           SECTION 2. Section 98.105, Health and Safety Code, is  
22 amended to read as follows:

23           Sec. 98.105. REPORTING ~~[SYSTEM]~~ MODIFICATIONS. (a) Based  
24 on the recommendations of the advisory panel, the executive  
25 commissioner by rule may modify in accordance with this chapter the  
26 list of procedures ~~[that are reportable]~~ under Section 98.103(a)(3)  
27 that must be specified in a facility's report to the department

1 under Section 98.103 and included in the department's summary under  
2 Section 98.106 [~~or 98.104~~]. The modifications must be based on  
3 changes in reporting guidelines and in definitions established by  
4 the federal Centers for Disease Control and Prevention.

5 (b) Based on the recommendations of the advisory panel, the  
6 executive commissioner by rule may require each health care  
7 facility to report additional information necessary for the  
8 department to comply with Section 98.106.

9 SECTION 3. Sections 98.106(a) and (b), Health and Safety  
10 Code, are amended to read as follows:

11 (a) The department shall compile and make available to the  
12 public a summary, by health care facility, of the infections  
13 reported by facilities under Section [~~Sections~~] 98.103 [~~and~~  
14 ~~98.104~~].

15 (b) The departmental summary must be risk adjusted and  
16 include a comparison of the risk-adjusted infection rates for each  
17 health care facility in this state that is required to submit a  
18 report under Section [~~Sections~~] 98.103 [~~and 98.104~~]. The  
19 departmental summary must also:

20 (1) include information relating to the types of  
21 patients treated by each health care facility;

22 (2) state the sources of the patients' infections;

23 (3) specify which infections occurred in the  
24 procedures listed in Section 98.103(a)(3); and

25 (4) specify which infections resulted in the death of  
26 a patient.

27 SECTION 4. Section 98.108, Health and Safety Code, is

1 amended to read as follows:

2       Sec. 98.108. FREQUENCY OF REPORTING. In consultation with  
3 the advisory panel, the executive commissioner by rule shall  
4 establish the frequency of reporting by health care facilities  
5 required under Section [~~Sections~~] 98.103 [~~and 98.104~~]. Facilities  
6 may not be required to report more frequently than quarterly.

7       SECTION 5. Section 98.110, Health and Safety Code, is  
8 amended to read as follows:

9       Sec. 98.110. DISCLOSURE                    WITHIN                    DEPARTMENT.  
10 Notwithstanding any other law, the department may disclose  
11 information reported by health care facilities under Section 98.103  
12 [~~or 98.104~~] to other programs within the department for public  
13 health research or analysis purposes only, provided that the  
14 research or analysis relates to health care-associated infections.  
15 The privilege and confidentiality provisions contained in this  
16 chapter apply to such disclosures.

17       SECTION 6. Sections 98.001(10) and (12) and 98.104, Health  
18 and Safety Code, are repealed.

19       SECTION 7. As soon as practicable after the effective date  
20 of this Act, the executive commissioner of the Health and Human  
21 Services Commission shall adopt the rules and procedures necessary  
22 to implement the changes made by this Act to Chapter 98, Health and  
23 Safety Code.

24       SECTION 8. (a) The change in law made by this Act applies to  
25 a report required under Section 98.103, Health and Safety Code,  
26 that is made in a reporting period beginning on or after March 1,  
27 2010. A report made under Section 98.103, Health and Safety Code,

1 during a reporting period that begins before March 1, 2010, is  
2 covered by the law in existence on the date the reporting period  
3 began, and the former law is continued in effect for that purpose.

4 (b) The change in law made by this Act applies to a  
5 departmental summary published under Section 98.106, Health and  
6 Safety Code, that covers a reporting period beginning on or after  
7 March 1, 2010. A departmental summary that covers a reporting  
8 period that begins before March 1, 2010, is covered by the law in  
9 existence on the date the reporting period began, and the former law  
10 is continued in effect for that purpose.

11 SECTION 9. This Act takes effect September 1, 2009.