

By: Nelson
(Kolkhorst)

S.B. No. 620

A BILL TO BE ENTITLED

AN ACT

relating to the reporting of health care-associated infections and preventable adverse events.

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

SECTION 1. Subsection (c), Section 98.102, Health and Safety Code, as added by Chapter 359 (S.B. 288), Acts of the 80th Legislature, Regular Session, 2007, is amended to read as follows:

(c) The data reported by health care facilities to the department must contain sufficient patient identifying information to:

(1) avoid duplicate submission of records;

(2) allow the department to verify the accuracy and completeness of the data reported; and

(3) for data reported under Section 98.103 [~~or 98.104~~], allow the department to risk adjust the facilities' infection rates.

SECTION 2. Section 98.103, Health and Safety Code, as added by Chapter 359 (S.B. 288), Acts of the 80th Legislature, Regular Session, 2007, is amended by amending Subsection (b) and adding Subsection (d-1) to read as follows:

(b) A pediatric and adolescent hospital shall report the incidence of surgical site infections, including the causative pathogen if the infection is laboratory-confirmed, occurring in the following procedures to the department:

- 1 (1) cardiac procedures, excluding thoracic cardiac
2 procedures;
3 (2) ventricular ~~[ventriculoperitoneal]~~ shunt
4 procedures; and
5 (3) spinal surgery with instrumentation.

6 (d-1) The executive commissioner by rule may designate the
7 federal Centers for Disease Control and Prevention's National
8 Healthcare Safety Network, or its successor, to receive reports of
9 health care-associated infections from health care facilities on
10 behalf of the department. A health care facility must file a report
11 required in accordance with a designation made under this
12 subsection in accordance with the National Healthcare Safety
13 Network's definitions, methods, requirements, and procedures. A
14 health care facility shall authorize the department to have access
15 to facility-specific data contained in a report filed with the
16 National Healthcare Safety Network in accordance with a designation
17 made under this subsection.

18 SECTION 3. Section 98.1045, Health and Safety Code, as
19 added by Chapter 359 (S.B. 288), Acts of the 80th Legislature,
20 Regular Session, 2007, is amended by adding Subsection (c) to read
21 as follows:

22 (c) The executive commissioner by rule may designate an
23 agency of the United States Department of Health and Human Services
24 to receive reports of preventable adverse events by health care
25 facilities on behalf of the department. A health care facility
26 shall authorize the department to have access to facility-specific
27 data contained in a report made in accordance with a designation

1 made under this subsection.

2 SECTION 4. Section 98.105, Health and Safety Code, as added
3 by Chapter 359 (S.B. 288), Acts of the 80th Legislature, Regular
4 Session, 2007, is amended to read as follows:

5 Sec. 98.105. REPORTING SYSTEM MODIFICATIONS. Based on the
6 recommendations of the advisory panel, the executive commissioner
7 by rule may modify in accordance with this chapter the list of
8 procedures that are reportable under Section 98.103 [~~or 98.104~~].
9 The modifications must be based on changes in reporting guidelines
10 and in definitions established by the federal Centers for Disease
11 Control and Prevention.

12 SECTION 5. Subsections (a), (b), and (d), Section 98.106,
13 Health and Safety Code, as added by Chapter 359 (S.B. 288), Acts of
14 the 80th Legislature, Regular Session, 2007, are amended to read as
15 follows:

16 (a) The department shall compile and make available to the
17 public a summary, by health care facility, of:

18 (1) the infections reported by facilities under
19 Section [~~Sections~~] 98.103 [~~and 98.104~~]; and

20 (2) the preventable adverse events reported by
21 facilities under Section 98.1045.

22 (b) Information included in the departmental summary with
23 respect to infections reported by facilities under Section
24 [~~Sections~~] 98.103 [~~and 98.104~~] must be risk adjusted and include a
25 comparison of the risk-adjusted infection rates for each health
26 care facility in this state that is required to submit a report
27 under Section [~~Sections~~] 98.103 [~~and 98.104~~].

1 (d) The department shall publish the departmental summary
2 at least annually and may publish the summary more frequently as the
3 department considers appropriate. Data made available to the
4 public must include aggregate data covering a period of at least a
5 full calendar quarter.

6 SECTION 6. Section 98.108, Health and Safety Code, as added
7 by Chapter 359 (S.B. 288), Acts of the 80th Legislature, Regular
8 Session, 2007, is amended to read as follows:

9 Sec. 98.108. FREQUENCY OF REPORTING. (a) In consultation
10 with the advisory panel, the executive commissioner by rule shall
11 establish the frequency of reporting by health care facilities
12 required under Sections 98.103[~~98.104~~] and 98.1045.

13 (b) Except as provided by Subsection (c), facilities
14 [Facilities] may not be required to report more frequently than
15 quarterly.

16 (c) The executive commissioner may adopt rules requiring
17 reporting more frequently than quarterly if more frequent reporting
18 is necessary to meet the requirements for participation in the
19 federal Centers for Disease Control and Prevention's National
20 Healthcare Safety Network.

21 SECTION 7. Section 98.110, Health and Safety Code, as added
22 by Chapter 359 (S.B. 288), Acts of the 80th Legislature, Regular
23 Session, 2007, is amended to read as follows:

24 Sec. 98.110. DISCLOSURE AMONG CERTAIN AGENCIES.

25 (a) Notwithstanding any other law, the department may disclose
26 information reported by health care facilities under Section
27 98.103[~~98.104~~] or 98.1045 to other programs within the

1 department, to the Health and Human Services Commission, [~~and~~] to
2 other health and human services agencies, as defined by Section
3 531.001, Government Code, and to the federal Centers for Disease
4 Control and Prevention for public health research or analysis
5 purposes only, provided that the research or analysis relates to
6 health care-associated infections or preventable adverse events.
7 The privilege and confidentiality provisions contained in this
8 chapter apply to such disclosures.

9 (b) If the executive commissioner designates an agency of
10 the United States Department of Health and Human Services to
11 receive reports of health care-associated infections or
12 preventable adverse events, that agency may use the information
13 submitted for purposes allowed by federal law.

14 SECTION 8. Section 98.104, Health and Safety Code, as added
15 by Chapter 359 (S.B. 288), Acts of the 80th Legislature, Regular
16 Session, 2007, is repealed.

17 SECTION 9. This Act takes effect immediately if it receives
18 a vote of two-thirds of all the members elected to each house, as
19 provided by Section 39, Article III, Texas Constitution. If this
20 Act does not receive the vote necessary for immediate effect, this
21 Act takes effect September 1, 2011.