

By: Nelson

S.B. No. 620

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the reporting of health care-associated infections and  
3 preventable adverse events.

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

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

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

11 (1) avoid duplicate submission of records;

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

14 (3) for data reported under Section 98.103 [~~ex~~  
15 ~~98.104~~], allow the department to risk adjust the facilities'  
16 infection rates.

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

21 (b) A pediatric and adolescent hospital shall report the  
22 incidence of surgical site infections, including the causative  
23 pathogen if the infection is laboratory-confirmed, occurring in the  
24 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~~  
9 ~~98.104~~]. The modifications must be based on changes in reporting  
10 guidelines and in definitions established by the federal Centers  
11 for Disease Control and Prevention.

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

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

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

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

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

27 SECTION 6. Section 98.108, Health and Safety Code, as added

1 by Chapter 359 (S.B. 288), Acts of the 80th Legislature, Regular  
2 Session, 2007, is amended to read as follows:

3       Sec. 98.108. FREQUENCY OF REPORTING. In consultation with  
4 the advisory panel, the executive commissioner by rule shall  
5 establish the frequency of reporting by health care facilities  
6 required under Sections 98.103[~~7, 98.104,~~] and 98.1045. Facilities  
7 may not be required to report more frequently than monthly  
8 [~~quarterly~~].

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

12       Sec. 98.110. DISCLOSURE AMONG CERTAIN AGENCIES. (a)  
13 Notwithstanding any other law, the department may disclose  
14 information reported by health care facilities under Section  
15 98.103[~~7, 98.104,~~] or 98.1045 to other programs within the  
16 department, to the Health and Human Services Commission, [~~and~~] to  
17 other health and human services agencies, as defined by Section  
18 531.001, Government Code, and to the federal Centers for Disease  
19 Control and Prevention for public health research or analysis  
20 purposes only, provided that the research or analysis relates to  
21 health care-associated infections or preventable adverse  
22 events. The privilege and confidentiality provisions contained in  
23 this chapter apply to such disclosures.

24       (b) If the executive commissioner designates an agency of  
25 the United States Department of Health and Human Services to  
26 receive reports of health care-associated infections or  
27 preventable adverse events, that agency may use the information

1 submitted for purposes allowed by federal law.

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

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