

House Bill 2524

Sponsored by Representatives TOMEI, GREENLICK; Representatives BARKER, BARNHART, BOONE, BUCKLEY, CANNON, CLEM, COWAN, DINGFELDER, GALIZIO, GELSER, GILLIAM, HOLVEY, LIM, NELSON, RILEY, ROSENBAUM, SHIELDS, WITT

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires health care facilities to collect data on health care facility acquired infection rates. Requires health care facilities to submit quarterly reports containing data collected to Department of Human Services. Requires Director of Human Services to establish advisory committee to assist department in analysis of data submitted in quarterly reports. Requires department to prepare annual report and to disclose annual report to public and Legislative Assembly.

Declares emergency, effective July 1, 2007.

A BILL FOR AN ACT

Relating to health care facility acquired infections; creating new provisions; amending ORS 441.030 and 441.710; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. As used in sections 1 to 5 of this 2007 Act:

(1) "Health care facility" has the meaning given that term in ORS 442.015.

(2) "Health care facility acquired infection" means a localized or systemic condition that:

(a) Results from an adverse reaction to the presence of an infectious agent or its toxin;
and

(b) Was not present or incubating at the time of admission to the health care facility.

(3) "Risk adjusted" means a standardized method used to ensure that intrinsic and extrinsic risk factors for a health care facility acquired infection are considered in the calculation of health care facility acquired infection rates.

SECTION 2. (1) A health care facility shall collect and maintain data on health care facility acquired infection rates for specific clinical procedures determined by the Department of Human Services by rule, including the following types of infections:

(a) Surgical site infections;

(b) Ventilator associated pneumonia;

(c) Central line related bloodstream infections;

(d) Urinary tract infections; and

(e) Other types of infections determined by the department by rule.

(2) A health care facility shall submit to the department quarterly reports on the facility's health care facility acquired infection rates. Quarterly reports shall be submitted in a format determined by the department by rule. Quarterly reports shall be submitted by April 30, July 31, October 31 and January 31 of each year and shall cover a period ending not earlier than one month prior to submission of the report.

(3) The quarterly reports shall be made available to the public at each health care facility and through the department.

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

(4) If the health care facility is a division or subsidiary of another entity that owns or operates other health care facilities or related organizations, the quarterly report shall be for the specific division or subsidiary.

(5) If a health care facility is owned by a corporate parent of numerous health care facilities, the data collected and submitted under this section may not be aggregated for all health care facilities owned by the corporate parent but shall be collected and submitted for each health care facility individually.

(6) A health care facility quarterly report may not contain information that identifies a patient, a licensed health care professional or an employee of a health care facility in connection with a specific infection incident.

SECTION 3. (1) The Director of Human Services shall appoint an advisory committee to assist the Department of Human Services in the development of the department's methodology for collecting, analyzing and disclosing the data collected by a health care facility under section 2 of this 2007 Act, including collection methods and methods and means for preparation and dissemination of the reports required under section 4 of this 2007 Act.

(2) The advisory committee shall include representatives from health care facilities and health care facility infection control departments, registered nurses involved in direct patient care, physicians, epidemiologists with expertise in health care facility acquired infections, academic researchers, consumer organizations, health insurers, health maintenance organizations, statewide or national labor organizations and purchasers of group health insurance policies.

(3) The majority of members on the advisory committee shall represent interests other than health care facilities.

(4) In developing the methodology for collecting and analyzing data for health care facility acquired infection rates, the department, with the assistance of the advisory committee, shall consider existing methodologies and systems for data collection, such as the National Nosocomial Infections Surveillance system of the federal Centers for Disease Control and Prevention. The department is not limited or restricted to adoption of a particular methodology or system. The data collection and analysis methodology shall be disclosed to the public prior to any public disclosure of health care facility acquired infection rates.

(5) The department and the advisory committee shall evaluate on a regular basis the quality and accuracy of the data collected and submitted by a health care facility under section 2 of this 2007 Act and the methodologies for data collection, analysis and dissemination.

(6) Members of the advisory committee are not entitled to compensation or reimbursement for expenses and serve as volunteers on the advisory committee.

SECTION 4. (1) On or before April 30 of each year, the Department of Human Services shall prepare an annual report that summarizes the health care facility quarterly reports. The department shall make the annual report available to the public in the manner provided in ORS 192.243 and to the Legislative Assembly in the manner provided in ORS 192.245.

(2) The department may issue quarterly informational reports that summarize all or part of the information submitted in the health care facility quarterly reports.

(3) All annual reports issued by the department shall be risk adjusted.

(4) The annual report shall, for each individual health care facility in this state, compare the risk adjusted health care facility acquired infection rates collected under section 2 of this

1 **2007 Act. The department, in consultation with the advisory committee, shall make the**
 2 **comparison as easy to comprehend as possible.**

3 **(5) The annual report may include a discussion of findings, conclusions and trends con-**
 4 **cerning the overall state of health care facility acquired infection rates in this state, a**
 5 **comparison to prior years and policy recommendations that the department considers ap-**
 6 **propriate.**

7 **(6) The department shall publicize the annual report and its availability as widely as**
 8 **possible to interested persons, including providers, media organizations, health insurers,**
 9 **health maintenance organizations, purchasers of health insurance, organized labor, con-**
 10 **sumer or patient advocacy groups and individual consumers.**

11 **(7) The annual report and quarterly information reports may not contain information**
 12 **that identifies a patient, a licensed health care professional or an employee of a health care**
 13 **facility in connection with a specific infection incident.**

14 **SECTION 5. If the Director of Human Services determines that a health care facility has**
 15 **violated the provisions of section 2 of this 2007 Act, the director may:**

16 **(1) Deny, suspend or revoke the license of a health care facility issued under ORS 441.025**
 17 **as provided in ORS 441.030.**

18 **(2) Impose a civil penalty as provided in ORS 441.710.**

19 **SECTION 6. ORS 441.030 is amended to read:**

20 441.030. (1) The Department of Human Services, pursuant to ORS 479.215, shall deny, suspend
 21 or revoke a license in any case where the State Fire Marshal, or the representative of the State
 22 Fire Marshal, certifies that there is a failure to comply with all applicable laws, lawful ordinances
 23 and rules relating to safety from fire.

24 (2) The department may deny, suspend or revoke a license in any case where it finds that there
 25 has been a substantial failure to comply with ORS 441.015 to 441.063, 441.085, 441.087[,] **or** 441.990
 26 **(3) or section 2 of this 2007 Act** or the rules or minimum standards adopted under those statutes.

27 (3) The department may suspend or revoke a license issued under ORS 441.025 for failure to
 28 comply with a department order arising from a health care facility's substantial lack of compliance
 29 with the provisions of ORS 441.015 to 441.063, 441.084 to 441.087 and 441.990 (3) or ORS 441.162 or
 30 441.166, or the rules adopted thereunder, or for failure to pay a civil penalty imposed under ORS
 31 441.170 or 441.710.

32 (4) The department may order a long term care facility licensed under ORS 441.025 to restrict
 33 the admission of patients when the department finds an immediate threat to patient health and
 34 safety arising from failure of the long term care facility to be in compliance with ORS 441.015 to
 35 441.063[,] **and** 441.084 to 441.087 and the rules adopted pursuant thereto.

36 (5) Any long term care facility which has been ordered to restrict the admission of patients
 37 pursuant to subsection (4) of this section shall post a notice of such restriction, provided by the
 38 department, on all doors providing ingress to and egress from the facility, for the duration of the
 39 restriction.

40 **SECTION 7. ORS 441.710 is amended to read:**

41 441.710. (1) In addition to any other liability or penalty provided by law, the Director of Human
 42 Services may impose a civil penalty on a person for any of the following:

43 (a) Violation of any of the terms or conditions of a license issued under ORS 441.015 to 441.087,
 44 441.525 to 441.595, 441.815, 441.820, 441.990, 442.342, 442.344 and 442.400 to 442.463 for a long term
 45 care facility, as defined in ORS 442.015.

1 (b) Violation of any rule or general order of the Department of Human Services that pertains
2 to a long term care facility.

3 (c) Violation of any final order of the director that pertains specifically to the long term care
4 facility owned or operated by the person incurring the penalty.

5 (d) Violation of ORS 441.605 or of rules required to be adopted under ORS 441.610.

6 (e) Violation of ORS 443.880 or 443.881.

7 **(f) Violation of section 2 of this 2007 Act.**

8 (2) A civil penalty may not be imposed under this section for violations other than those in-
9 volving direct patient care or feeding, an adequate staff to patient ratio, sanitation involving direct
10 patient care or a violation of ORS 441.605, [or] 443.880 or 443.881 **or section 2 of this 2007 Act** or
11 of the rules required to be adopted by ORS 441.610 **or section 2 of this 2007 Act** unless a violation
12 is found on two consecutive surveys of the long term care facility. The director in every case shall
13 prescribe a reasonable time for elimination of a violation:

14 (a) Not to exceed 30 days after first notice of a violation; or

15 (b) In cases where the violation requires more than 30 days to correct, such time as is specified
16 in a plan of correction found acceptable by the director.

17 **SECTION 8. (1) A health care facility shall submit its first quarterly report under section**
18 **2 of this 2007 Act to the Department of Human Services on or before April 30, 2008.**

19 **(2) Notwithstanding section 4 of this 2007 Act, the department shall prepare its first an-**
20 **annual report by April 30, 2009.**

21 **SECTION 9. Except as provided in section 10 of this 2007 Act, sections 2, 4 and 5 of this**
22 **2007 Act and the amendments to ORS 441.030 and 441.710 by sections 6 and 7 of this 2007 Act**
23 **become operative on January 1, 2008.**

24 **SECTION 10. Before the operative date specified in section 9 of this 2007 Act, the Direc-**
25 **tor of Human Services may take any action necessary to exercise the duties conferred on**
26 **the director by sections 2, 4 and 5 of this 2007 Act on and after the operative date specified**
27 **in section 9 of this 2007 Act.**

28 **SECTION 11. This 2007 Act being necessary for the immediate preservation of the public**
29 **peace, health and safety, an emergency is declared to exist, and this 2007 Act takes effect**
30 **July 1, 2007.**