

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE BILL 1738

Short Title: Advisory Comm./Hosp. Infection Incidence. (Public)

Sponsors: Representatives Glazier, Alexander, Allen, Insko (Primary Sponsors);
Faison and Harrison.

Referred to: Health, if favorable, Appropriations.

April 19, 2007

A BILL TO BE ENTITLED
AN ACT TO ESTABLISH THE ADVISORY COMMISSION ON HOSPITAL
INFECTION CONTROL AND DISCLOSURE.

Whereas, the Centers for Disease Control and Prevention (CDC) reports that approximately 2,000,000 people annually become ill from hospital-acquired infections, called nosocomial infections, and about 90,000 people die each year from hospital-acquired infections; and

Whereas, the CDC reports that hospital-acquired infections add at least \$5,000,000,000 annually to the nation's health care bill; and

Whereas, a Pennsylvania report on hospital-acquired infections found that 76% of the cost for treating infections in that state was billed to public health insurance; and

Whereas, the CDC reports that despite the risks associated with nosocomial infections, information on nosocomial infection rates is hard to obtain, even though basic data is compiled as hospitals monitor infections, particularly in intensive care units and following surgery; and

Whereas, the CDC estimates, based on voluntary reporting, that hospital-acquired infections have become America's leading cause of death from infectious disease;

Whereas, it is the intent of the General Assembly to enact a law requiring public disclosure of hospital-acquired infection incidence rates to become effective in 2009; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1.(a) There is established the Advisory Commission on Hospital Infection Control and Disclosure (Advisory Commission). The purpose of the Advisory Commission is to prepare State agencies, hospitals, and the public for the reporting and public disclosure of hospital-acquired infection incidence rates as may be required by law for specific clinical procedures under the following categories:

- 1 (1) Class I surgical site infections.
2 (2) Ventilator-associated pneumonia.
3 (3) Central line-related bloodstream infections.

4 **SECTION 1.(b)** The Advisory Commission shall consist of 13 members
5 appointed as follows:

- 6 (1) Four shall be appointed by the General Assembly upon the
7 recommendation of the Speaker of the House of Representatives, as
8 follows:

- 9 a. One member who is a hospital infection control professional, as
10 recommended by the North Carolina Hospital Association;
11 b. One physician who is a member of the Society for Health Care
12 Epidemiology, as recommended by the Society for Health Care
13 Epidemiology;
14 c. The Director of the Statewide Program for Infection Control
15 and Epidemiology at the School of Medicine of the University
16 of North Carolina at Chapel Hill; and
17 d. One who is a member of the general public but who is neither a
18 health care professional nor affiliated with a health care facility.

- 19 (2) Four shall be appointed by the General Assembly upon the
20 recommendation of the President Pro Tempore of the Senate, as
21 follows:

- 22 a. One physician who is a member of the Society for Health Care
23 Epidemiology, as recommended by the Society for Health Care
24 Epidemiology;
25 b. One member who is a hospital infection control professional, as
26 recommended by the North Carolina Hospital Association;
27 c. The Director of the Duke Inspection Control Network, or the
28 Director's designee; and
29 d. One who is a member of the general public but who is neither a
30 health care professional nor affiliated with a health care facility.

- 31 (3) Five shall be appointed by the Governor, as follows:

- 32 a. A representative of the North Carolina Institute of Medicine, as
33 recommended by the North Carolina Institute of Medicine;
34 b. The Director of the NC Center for Hospital Quality and Patient
35 Safety;
36 c. The Director of the Consumer Protection Division of the Office
37 of the NC Attorney General;
38 d. The State Health Director; and
39 e. The State Epidemiologist.

40 The Governor shall appoint the Chair of the Advisory Committee.

41 **SECTION 1.(c)** Subject to the approval of the Legislative Services
42 Commission, the Advisory Commission may meet in the State Legislative Building or
43 the Legislative Office Building. The Legislative Services Commission, through the
44 Legislative Services Officer, shall assign professional staff to assist in the work of the

1 Advisory Commission. The Directors of Legislative Assistants for the House of
2 Representatives and the Senate shall assign clerical staff to the Advisory Commission,
3 and the expenses relating to the clerical employees shall be borne by the Advisory
4 Commission. The Advisory Commission, while in the discharge of its official duties,
5 may exercise all the powers provided under G.S. 120-19 and G.S. 120-19.1 through
6 G.S. 120-19.4. The Commission may meet during a regular or extra session of the
7 General Assembly, subject to the approval of the President Pro Tempore of the Senate
8 and the Speaker of the House of Representatives. Members of the Commission shall
9 receive per diem, subsistence, and travel allowances in accordance with G.S. 138-5 or
10 G.S. 138-6, as applicable.

11 **SECTION 2.(a)** The Advisory Commission shall be meaningfully involved
12 in the development of all aspects of the methodology used for collecting, analyzing, and
13 disclosing publicly the information on hospital-acquired infection incidence rates,
14 including collection methods, formatting, and methods and means for release and
15 dissemination.

16 **SECTION 2.(b)** The Advisory Commission shall develop a process to
17 ensure that information and data on hospital-acquired infection incidence rates available
18 for dissemination to the general public shall not be made available in any form unless
19 the information and data have been reviewed, adjusted, and validated according to the
20 following process:

- 21 (1) The entire methodology for collecting and analyzing the data shall be
22 disclosed to all relevant organizations and to all hospitals and
23 ambulatory surgical facilities that are the subject of any information to
24 be made available to the public before any public disclosure of the
25 information or data.
- 26 (2) Data collection and analytical methodologies shall be used that meet
27 accepted standards of validity and reliability before any information is
28 made available to the public.
- 29 (3) Comparisons among hospitals and freestanding ambulatory surgical
30 facilities shall adjust for patient case mix and other relevant risk
31 factors and control for provider peer groups, when appropriate.
- 32 (4) The limitations of the data sources and analytic methodologies used to
33 develop comparative hospital and freestanding ambulatory surgical
34 facility information shall be clearly identified and acknowledged,
35 including the appropriate and inappropriate uses of the data.
- 36 (5) To the greatest extent possible, comparative hospital and freestanding
37 ambulatory surgical facility information initiatives shall use
38 standard-based norms derived from widely accepted
39 provider-developed practice guidelines.
- 40 (6) Comparative hospital and freestanding ambulatory surgical facility
41 information and other information that the statewide data processor or
42 Department has compiled regarding the hospital or freestanding
43 ambulatory surgical facility shall be shared with the hospital or
44 freestanding ambulatory surgical facility under review prior to public

1 dissemination of the information, and the hospital or freestanding
2 ambulatory surgical facility shall have 30 days to make corrections and
3 to add helpful explanatory comments about the information before the
4 publication.

5 (7) Safeguards shall be implemented to:

6 a. Protect against the unauthorized use or disclosure of hospital
7 and freestanding ambulatory surgical facility information; and

8 b. Protect against the dissemination of inconsistent, incomplete,
9 invalid, inaccurate, or subjective hospital or freestanding
10 ambulatory surgical facility data.

11 (8) A process to ensure the quality and accuracy of information reported
12 by a hospital or freestanding ambulatory surgical facility under this
13 section and its data collection, analysis, and dissemination
14 methodologies are evaluated regularly.

15 (9) A process to ensure that only the most basic identifying information
16 from submitted reports are used, and except as otherwise authorized by
17 Article 11A of Chapter 131E of the General Statutes, information
18 identifying a patient, employee, or licensed professional shall not be
19 released.

20 **SECTION 2.(c)** The Advisory Commission shall establish standardized
21 criteria and methods for data submitted to the statewide data processor under
22 G.S. 131E-214.2.

23 **SECTION 3.(a)** The Advisory Commission shall submit an interim report
24 on its activities to the General Assembly on or before May 1, 2008. The Advisory
25 Commission shall submit its final report to the 2009 General Assembly upon its
26 convening with recommendations and proposed legislation for requiring
27 hospital-acquired infection incidence rates public disclosure. Upon submission of its
28 final report, the Commission shall terminate.

29 **SECTION 3.(b)** It is the intent of the General Assembly to enact legislation
30 before adjournment sine die of the 2009 General Assembly requiring hospitals to report
31 and publicly disclose hospital-acquired infection incidence rates.

32 **SECTION 4.** The Legislative Services Officer shall allocate funds
33 appropriated to the General Assembly for this purpose to implement this act.

34 **SECTION 5.** This act is effective when it becomes law.