

By: **Delegates Pendergrass, Hubbard, Barkley, Conroy, Donoghue, Dumais, Glassman, Goldwater, Gordon, Gutierrez, Heller, Kaiser, Krysiak, Lee, Love, Malone, Mandel, Menes, Montgomery, Oaks, Ross, and Sossi**

Introduced and read first time: January 24, 2005

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Hospital Infections Disclosure Act**

3 FOR the purpose of requiring the Maryland Health Care Commission to collect data
4 on hospital-acquired infection rates from hospitals; requiring the Maryland
5 Health Care Commission to adopt certain regulations governing submission of
6 hospital-acquired infection rate data; requiring the Maryland Health Care
7 Commission to publish hospital-acquired infection rate data; requiring the
8 Maryland Health Care Commission to publish an annual report concerning
9 hospital-acquired infection rates; requiring hospitals to collect and disclose
10 certain data regarding hospital-acquired infections to the Maryland Health
11 Care Commission; establishing certain penalties; defining certain terms; and
12 generally relating to disclosure of hospital-acquired infections.

13 BY adding to
14 Article - Health - General
15 Section 19-138 and 19-319(i)
16 Annotated Code of Maryland
17 (2000 Replacement Volume and 2004 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
19 MARYLAND, That the Laws of Maryland read as follows:

20 **Article - Health - General**

21 19-138.

22 (A) IN THIS SECTION, "HOSPITAL-ACQUIRED INFECTION" MEANS AN
23 INFECTION THAT:

24 (1) MEETS THE CURRENT STATISTICAL EPIDEMIOLOGIC DEFINITION OF
25 A NOSOCOMIAL INFECTION, AS STANDARDIZED BY THE FEDERAL CENTERS FOR
26 DISEASE CONTROL AND PREVENTION'S NATIONAL NOSOCOMIAL INFECTIONS
27 SURVEILLANCE SYSTEM, OR ITS SUCCESSOR;

1 (2) IS ACQUIRED BY A PATIENT DURING HOSPITAL CARE; AND

2 (3) IS NOT DETECTED AS PRESENT OR INCUBATING AT THE TIME OF A
3 PATIENT'S ADMISSION TO A HOSPITAL.

4 (B) THE COMMISSION SHALL COLLECT DATA ON HOSPITAL-ACQUIRED
5 INFECTIONS FROM EACH HOSPITAL IN THE STATE IN ACCORDANCE WITH § 19-319 OF
6 THIS ARTICLE.

7 (C) THE COMMISSION SHALL ADOPT REGULATIONS THAT:

8 (1) ESTABLISH THE TIMING, FORMAT, AND PROCESS OF SUBMISSION OF
9 HOSPITAL DATA REPORTS TO THE COMMISSION;

10 (2) IDENTIFY THE TYPES OF HOSPITAL-ACQUIRED INFECTIONS ON
11 WHICH THE HOSPITALS MUST COLLECT AND REPORT DATA, INCLUDING:

12 (I) SURGICAL SITE INFECTIONS;

13 (II) VENTILATOR-ASSOCIATED PNEUMONIA;

14 (III) CENTRAL LINE-RELATED BLOODSTREAM INFECTIONS; AND

15 (IV) URINARY TRACT INFECTIONS; AND

16 (3) ESTABLISH PROCEDURES FOR ENSURING COMPLETE
17 CONFIDENTIALITY OF PATIENTS, EMPLOYEES, AND LICENSED HEALTH CARE
18 PROFESSIONALS IN THE REPORTS TO BE SUBMITTED BY HOSPITALS.

19 (D) (1) THE COMMISSION SHALL MAKE AVAILABLE TO THE PUBLIC THE
20 DATA COLLECTED FROM HOSPITALS ON HOSPITAL-ACQUIRED INFECTIONS
21 BEGINNING ON OR BEFORE SEPTEMBER 1, 2006.

22 (2) THE COMMISSION MAY MAKE THE HOSPITAL-ACQUIRED INFECTION
23 DATA AVAILABLE IN THE HOSPITAL EVALUATION SYSTEM AUTHORIZED UNDER §
24 19-134(E) OF THIS SUBTITLE.

25 (E) (1) THE COMMISSION SHALL PUBLISH AN ANNUAL REPORT
26 SUMMARIZING THE HOSPITAL-ACQUIRED INFECTION DATA SUBMITTED BY THE
27 HOSPITALS.

28 (2) THE ANNUAL REPORT SHALL:

29 (I) COMPARE RISK-ADJUSTED HOSPITAL-ACQUIRED INFECTION
30 RATES FOR EACH HOSPITAL IN THE STATE; AND

31 (II) DISCUSS ANY FINDINGS AND TRENDS CONCERNING
32 HOSPITAL-ACQUIRED INFECTIONS STATEWIDE, INCLUDING COMPARISONS TO PRIOR
33 YEARS.

1 (3) THE COMMISSION SHALL PUBLISH THE FIRST ANNUAL REPORT
2 REQUIRED UNDER THIS SUBSECTION ON OR BEFORE DECEMBER 1, 2006.

3 19-319.

4 (I) (1) IN THIS SUBSECTION, "HOSPITAL-ACQUIRED INFECTION" MEANS AN
5 INFECTION THAT:

6 (I) MEETS THE CURRENT STATISTICAL EPIDEMIOLOGIC
7 DEFINITION OF A NOSOCOMIAL INFECTION, AS STANDARDIZED BY THE FEDERAL
8 CENTERS FOR DISEASE CONTROL AND PREVENTION'S NATIONAL NOSOCOMIAL
9 INFECTIONS SURVEILLANCE SYSTEM, OR ITS SUCCESSOR;

10 (II) IS ACQUIRED BY A PATIENT DURING HOSPITAL CARE; AND

11 (III) IS NOT DETECTED AS PRESENT OR INCUBATING AT THE TIME
12 OF A PATIENT'S ADMISSION TO A HOSPITAL.

13 (2) AS A CONDITION OF LICENSURE, EACH HOSPITAL SHALL, IN
14 ACCORDANCE WITH THE REGULATIONS ADOPTED BY THE MARYLAND HEALTH CARE
15 COMMISSION UNDER § 19-138 OF THIS TITLE:

16 (I) COLLECT DATA ON HOSPITAL-ACQUIRED INFECTIONS; AND

17 (II) SUBMIT THE DATA ON THE HOSPITAL'S HOSPITAL-ACQUIRED
18 INFECTION RATES TO THE MARYLAND HEALTH CARE COMMISSION.

19 (3) IF A HOSPITAL FAILS TO COLLECT OR REPORT THE DATA ON
20 HOSPITAL-ACQUIRED INFECTIONS REQUIRED UNDER THIS SUBSECTION IN
21 ACCORDANCE WITH REGULATIONS ESTABLISHED BY THE MARYLAND HEALTH CARE
22 COMMISSION, THE SECRETARY MAY IMPOSE THE FOLLOWING PENALTIES:

23 (I) DELICENSURE OF THE HOSPITAL; OR

24 (II) A FINE OF UP TO \$1,000 PER DAY PER VIOLATION FOR EACH DAY
25 A VIOLATION CONTINUES.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 July 1, 2005.