

HEALTH CARE ASSOCIATED INFECTIONS

2012 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jack R. Draxler

Senate Sponsor: Peter C. Knudson

LONG TITLE

General Description:

This bill amends the Utah Communicable Disease Control Act by requiring certain health care facilities to share with the Department of Health data that the facility is required to report under federal law regarding health care associated infections and requiring the Department of Health to release a public report on health care associated infections.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ requires an ambulatory surgical facility, a general acute hospital, ~~H~~→ an end stage

renal disease facility, ~~H~~ and a specialty

hospital to share with the Department of Health data on health care associated infections that the facility submits to the National Healthcare Safety Network in the Centers for Disease Control and Prevention pursuant to requirements of the Center for Medicare and Medicaid Services;

- ▶ requires the Department of Health to prepare and publicly disclose a report on health care associated infection rates;
- ▶ establishes a protocol for the creation of the report;
- ▶ permits the report of health care associated infections to include data that compares and identifies facilities;

- ▶ states that the report ~~H~~→ [shall] may ~~H~~ not be used as evidence in a criminal, civil, or

H.B. 55



28 administrative proceeding; and
29 ▶ makes technical changes.

30 **Money Appropriated in this Bill:**

31 None

32 **Other Special Clauses:**

33 ~~H~~→ [None] This bill takes effect July 1, 2012. ←~~H~~

34 **Utah Code Sections Affected:**

35 AMENDS:

36 **26-6-2**, as last amended by Laws of Utah 1996, Chapter 211

37 **26-6-27**, as last amended by Laws of Utah 2008, Chapter 3

38 **58-1-307**, as last amended by Laws of Utah 2011, Chapters 110 and 181

39 **58-17b-620**, as last amended by Laws of Utah 2011, Chapter 110

40 ENACTS:

41 **26-6-31**, Utah Code Annotated 1953



43 *Be it enacted by the Legislature of the state of Utah:*

44 Section 1. Section **26-6-2** is amended to read:

45 **26-6-2. Definitions.**

46 As used in this chapter:

47 (1) "Ambulatory surgical center" is as defined in Section 26-21-2.

48 ~~(1)~~ (2) "Carrier" means an infected individual or animal who harbors a specific
49 infectious agent in the absence of discernible clinical disease and serves as a potential source of
50 infection for man. The carrier state may occur in an individual with an infection that is
51 inapparent throughout its course, commonly known as healthy or asymptomatic carrier, or
52 during the incubation period, convalescence, and postconvalescence of an individual with a
53 clinically recognizable disease, commonly known as incubatory carrier or convalescent carrier.
54 Under either circumstance the carrier state may be of short duration, as a temporary or transient
55 carrier, or long duration, as a chronic carrier.

56 ~~(2)~~ (3) "Communicable disease" means illness due to a specific infectious agent or its
57 toxic products which arises through transmission of that agent or its products from a reservoir
58 to a susceptible host, either directly, as from an infected individual or animal, or indirectly,

59 through an intermediate plant or animal host, vector, or the inanimate environment.

60 [~~(3)~~] (4) "Communicable period" means the time or times during which an infectious
61 agent may be transferred directly or indirectly from an infected individual to another individual,
62 from an infected animal to man, or from an infected man to an animal, including arthropods.

63 [~~(4)~~] (5) "Contact" means an individual or animal having had association with an
64 infected individual, animal, or contaminated environment so as to have had an opportunity to
65 acquire the infection.

66 [~~(5)~~] (6) ~~H~~→ **"End stage renal disease facility" is as defined in Section 26-21-2.**

66a (7) ~~←H~~ "Epidemic" means the occurrence or outbreak in a community or region of
67 cases of an illness clearly in excess of normal expectancy and derived from a common or
68 propagated source. The number of cases indicating an epidemic will vary according to the
69 infectious agent, size, and type of population exposed, previous experience or lack of exposure
70 to the disease, and time and place of occurrence. Epidemicity is considered to be relative to
71 usual frequency of the disease in the same area, among the specified population, at the same
72 season of the year.

73 ~~H~~→ [~~(7)~~] (8) ~~←H~~ "General acute hospital" is as defined in Section 26-21-2.

74 [~~(6)~~] ~~H~~→ [~~(8)~~] (9) ~~←H~~ "Incubation period" means the time interval between exposure
74a to an infectious
75 agent and appearance of the first sign or symptom of the disease in question.

76 [~~(7)~~] ~~H~~→ [~~(9)~~] (10) ~~←H~~ "Infected individual" means an individual who harbors an
76a infectious agent and
77 who has manifest disease or inapparent infection. An infected individual is one from whom the
78 infectious agent can be naturally acquired.

79 [~~(8)~~] ~~H~~→ [~~(10)~~] (11) ~~←H~~ "Infection" means the entry and development or multiplication
79a of an
80 infectious agent in the body of man or animals. Infection is not synonymous with infectious
81 disease; the result may be inapparent or manifest. The presence of living infectious agents on
82 exterior surfaces of the body, or upon articles of apparel or soiled articles, is not infection, but
83 contamination of such surfaces and articles.

84 [~~(9)~~] ~~H~~→ [~~(11)~~] (12) ~~←H~~ "Infectious agent" means an organism such as a virus, rickettsia,
84a bacteria,
85 fungus, protozoan, or helminth that is capable of producing infection or infectious disease.

86 [~~(10)~~] ~~H~~→ [~~(12)~~] (13) ~~←H~~ "Infectious disease" means a disease of man or animals
86a resulting from an
87 infection.

88 [~~(11)~~] ~~H~~→ [~~(13)~~] (14) ~~←H~~ "Isolation" means the separation, for the period of
88a communicability, of
89 infected individuals or animals from others, in such places and under such conditions as to

90 prevent the direct or indirect conveyance of the infectious agent from those infected to those
91 who are susceptible or who may spread the agent to others.

92 [~~(12)~~] ~~H~~→ [~~(14)~~] (15) ←~~H~~ "Quarantine" means the restriction of the activities of well
92a individuals or
93 animals who have been exposed to a communicable disease during its period of
94 communicability to prevent disease transmission.

95 [~~(13)~~] ~~H~~→ [~~(15)~~] (16) ←~~H~~ "School" means a public, private, or parochial nursery school,
95a licensed or
96 unlicensed day care center, child care facility, family care home, headstart program,
97 kindergarten, elementary, or secondary school through grade 12.

98 [~~(14)~~] ~~H~~→ [~~(16)~~] (17) ←~~H~~ "Sexually transmitted disease" means those diseases
98a transmitted through
99 sexual intercourse or any other sexual contact.

100 ~~H~~→ [~~(17)~~] (18) ←~~H~~ "Specialty hospital" is as defined in Section 26-21- 2.
101 Section 2. Section 26-6-27 is amended to read:

102 **26-6-27. Information regarding communicable or reportable diseases**
103 **confidentiality -- Exceptions.**

104 (1) Information collected pursuant to this chapter in the possession of the department
105 or local health departments relating to an individual who has or is suspected of having a disease
106 designated by the department as a communicable or reportable disease under this chapter shall
107 be held by the department and local health departments as strictly confidential. The department
108 and local health departments may not release or make public that information upon subpoena,
109 search warrant, discovery proceedings, or otherwise, except as provided by this section.

110 (2) The information described in Subsection (1) may be released by the department or
111 local health departments only in accordance with the requirements of this chapter and as
112 follows:

113 (a) specific medical or epidemiological information may be released with the written
114 consent of the individual identified in that information or, if that individual is deceased, his
115 next-of-kin;

116 (b) specific medical or epidemiological information may be released to medical
117 personnel or peace officers in a medical emergency, as determined by the department in
118 accordance with guidelines it has established, only to the extent necessary to protect the health
119 or life of the individual identified in the information, or of the attending medical personnel or
120 law enforcement or public safety officers;

152 of any individual by his continued practice of health care[-]; and

153 (j) specific medical or epidemiological information may be released in accordance with
 154 Section 26-6-31 if an individual is not identifiable.

155 (3) The provisions of Subsection (2)(h) do not create a duty to warn third parties, but is
 156 intended only to aid health care providers in their treatment and containment of infectious
 157 disease.

158 Section 3. Section **26-6-31** is enacted to read:

159 **26-6-31. Public reporting of health care associated infections.**

160 (1) An ambulatory surgical facility, a general acute hospital, ~~H→~~ [and] ~~←H~~ a specialty
 160a hospital ~~H→~~ , an end stage renal disease facility, and other facilities as required by rules
 160b of the Center for Medicare and Medicaid Services ~~←H~~

161 shall give the department access to the facility's data on the incidence and rate of health care
 162 associated infections that the facility submits to the National Healthcare Safety Network in the
 163 Center for Disease Control pursuant to the Center for Medicare and Medicaid Services rules for
 164 infection reporting ~~H→~~ [under the Inpatient Prospective Payment System] ~~←H~~ . Access to data
 164a under this

165 Subsection (1) may include data sharing through the National Healthcare Safety Network.

166 (2) (a) The department shall, beginning May 1, 2013, use the data submitted by the
 167 facilities in accordance with Subsection (1) to compile an annual report on health care
 168 associated infections in ambulatory surgical facilities, general acute hospitals, and specialty
 169 hospitals for public distribution in accordance with the requirements of this subsection. The
 170 department shall publish the report on the department's website and the Utah Health Exchange.

171 (b) The department's report under this section shall:

172 (i) include the following health care associated infections as required by the Center for
 173 Medicare and Medicaid Services and protocols adopted by the National Healthcare Safety
 174 Network in the Center for Disease Control:

175 (A) central line associated bloodstream infections;

176 (B) catheter associated urinary tract infections;

177 (C) surgical site infections from procedures on the colon or an abdominal
 178 hysterectomy;

179 (D) methicillin-resistant staphylococcus aureus bacteremia;

180 (E) clostridium difficile of the colon; and

181 (F) other health care associated infections when reporting is required by the Center for
 182 Medicare and Medicaid Services and protocols adopted by the National Healthcare Safety

431 and rules adopted under this chapter.

431a **Ĥ→ Section 6. Effective Date**

431b **This bill takes effect July 1, 2012. ←Ĥ**

Legislative Review Note
as of 12-15-11 6:34 AM

Office of Legislative Research and General Counsel