
A BILL FOR AN ACT

RELATING TO HEALTH.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that, according to the
2 Consumer's Union, more Americans die each year from hospital-
3 acquired infections than from automobile accidents and homicides
4 combined. Furthermore, according to the Centers for Disease
5 Control and Prevention, an estimated two million patients a
6 year, or one of every twenty patients, contract an infection
7 through a health procedure and about ninety thousand people die
8 each year in the United States from infections contracted in the
9 hospital, incurring a cost of some \$4,500,000,000.

10 Statistics indicate that approximately five to ten per cent
11 of all hospital patients develop infections, adding to hospital
12 mortalities, length of stay, and costs. The risks for getting a
13 hospital infection have steadily increased during recent
14 decades.

15 The legislature also finds that the most expedient means of
16 reducing hospital infection rates is to make information on
17 infection rates public. For hospitals there is no greater



1 incentive than the need to respond to informed consumers
2 demanding the quality of care they deserve.

3 Existing law and rules in Hawaii do not require hospitals
4 to report infection rates. Thus, there is no means of
5 comparison among hospitals and the public has no way of knowing
6 if a particular hospital is doing a good job of minimizing
7 infection risks. At least fourteen other states have enacted
8 laws requiring public reporting of infection rates by hospitals.

9 SECTION 2. Chapter 321, Hawaii Revised Statutes, is
10 amended by adding a new section to be appropriately designated
11 and to read as follows:

12 "§321- Infection rates reporting; semiannual and annual
13 reports; advisory committee; methodology; rules; patient
14 privacy; definitions. (a) Each hospital in the State shall
15 collect and maintain records on hospital-acquired infection
16 rates for specific clinical procedures determined by the
17 department in accordance with rules adopted pursuant to chapter
18 91, including the following types of infections:

- 19 (1) Surgical site infections;
20 (2) Ventilator associated pneumonia;
21 (3) Central-line-related bloodstream infections;
22 (4) Urinary tract infections; and



1 (5) Other types of infections as determined by the
2 department.

3 (b) Each hospital in the State shall submit semiannual
4 reports on its hospital-acquired infection rates to the
5 department. Semiannual reports shall be submitted in a format
6 as determined by the department by July 31 and January 31 each
7 year for the previous six months. Data in the semiannual
8 reports shall cover a period ending no earlier than one month
9 prior to submission of the report. The semiannual reports shall
10 be made available to the public at each hospital and through the
11 department. The first semiannual report shall be due no later
12 than July 31, 2009.

13 (c) The department shall submit annual findings and
14 recommendations to the legislature by September 1 of each year.

15 (d) If a hospital is a division or subsidiary of another
16 entity that owns or operates other hospitals or related
17 organizations, the semiannual report shall be for the specific
18 division or subsidiary and not for the other entity.

19 (e) The director of health shall establish and appoint an
20 advisory committee that shall include representation from
21 infection control departments of both nonprofit and for-profit
22 hospitals, physicians, epidemiologists with hospital-acquired



1 infection expertise, academic researchers, health insurers,
2 health maintenance organizations, consumer organizations and
3 employers. The majority of the members of the advisory
4 committee shall represent interests other than hospitals.

5 (f) The advisory committee shall work with the department
6 to establish standards and rules necessary to implement this
7 section. In addition, the department and the advisory committee
8 shall evaluate the data collected from the hospitals pursuant to
9 this section, as well as the data collection, analysis, and
10 dissemination methodologies.

11 (g) In developing the methodology for collecting and
12 analyzing the infection rate data, the department and the
13 advisory committee shall consider the existing methodologies and
14 systems for data collection, including the Centers for Disease
15 Control and Prevention's national nosocomial infection
16 surveillance program or its successor. The data collection and
17 analysis methodology shall be disclosed to the public prior to
18 any public disclosure of hospital-acquired infection rates.

19 (h) The department shall adopt rules under chapter 91 as
20 it deems necessary to carry out this section.

21 (i) A hospital report or department disclosure made
22 available to the public shall not contain information



1 identifying a patient, employee, or licensed health care
2 professional in connection with a specific infection incident.

3 (j) A patient's right of confidentiality shall not be
4 violated in any manner. Patient social security numbers and any
5 other information that could be used to identify an individual
6 patient shall not be released notwithstanding any other
7 provision of law.

8 (k) As used in this section:

9 "Department" means the department of health.

10 "Hospital" means a general or special hospital, nonprofit
11 or for-profit, licensed by the department.

12 "Hospital-acquired infection" means any localized or
13 systemic patient condition that:

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

16 (2) Was not present or incubating at the time of the
17 patient's admission to the hospital."

18 SECTION 3. New statutory material is underscored.

19 SECTION 4. This Act shall take effect on July 1, 2008 and
20 shall be repealed on June 30, 2011.

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INTRODUCED BY:

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Report Title:

Hospital Infection Rates; Disclosure

Description:

Requires hospitals to disclose infection rates; protects patient privacy rights.

