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HOUSE BILL 934

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

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AN ACT

RELATING TO HEALTH CARE; REQUIRING DISCLOSURE OF INFECTION
RATES; PROVIDING FOR PATIENT PRIVACY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of the Public Health Act is
enacted to read:

"[NEW MATERIAL] INFECTION REPORTING.--

A. A hospital shall collect and maintain records on
hospital-acquired infection rates for specific clinical
procedures determined by rule of the department, including the
following types of infections:

- (1) surgical site infections;
- (2) ventilator associated pneumonia;
- (3) central-line-related bloodstream

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1 infections;

2 (4) urinary tract infections; and

3 (5) other types of infections as determined by
4 the department.

5 B. Hospitals shall submit biannual reports on their
6 hospital-acquired infection rates to the department. Biannual
7 reports shall be submitted, in a format set forth as determined
8 by the department by July 31 and January 31 each year for the
9 previous six months. Data in biannual reports shall cover a
10 period ending no earlier than one month prior to submission of
11 the report. Biannual reports shall be made available to the
12 public at each hospital and through the department. The first
13 biannual report shall be due no later than July 31, 2006.

14 C. The department shall make an annual report on
15 the findings with recommendations, if any, to the legislative
16 health and human services committee by September 1 of each
17 year.

18 D. If the hospital is a division or subsidiary of
19 another entity that owns or operates other hospitals or related
20 organizations, the biannual report shall be for the specific
21 division or subsidiary and not for the other entity.

22 E. The secretary of health shall establish and
23 appoint an advisory committee. The members of the advisory
24 committee shall include representation from infection control
25 departments of both nonprofit and for-profit hospitals,

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

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

13 G. In developing the methodology for collecting and
14 analyzing the infection rate data, the department and the
15 advisory committee shall consider the existing methodologies
16 and systems for data collection, including the centers for
17 disease control and prevention's national nosocomial infection
18 surveillance program or its successor. The data collection and
19 analysis methodology shall be disclosed to the public prior to
20 any public disclosure of hospital-acquired infection rates.

21 H. The department shall make, adopt, promulgate and
22 enforce rules as it may deem necessary.

23 I. A hospital report or department disclosure made
24 available to the public shall not contain information
25 identifying a patient, employee or licensed health care

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1 professional in connection with a specific infection incident.

2 J. As used in this section:

3 (1) "department" means the department of
4 health;

5 (2) "hospital" means a general or special
6 hospital, nonprofit or for-profit, licensed by the department;
7 and

8 (3) "hospital-acquired infection" means any
9 localized or systemic patient condition that:

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

12 (b) was not present or incubating at the
13 time of the patient's admission to the hospital."

14 Section 2. A new section of the Public Health Act is
15 enacted to read:

16 "[NEW MATERIAL] PRIVACY.--A patient's right of
17 confidentiality shall not be violated in any manner. Patient
18 social security numbers and any other information that could be
19 used to identify an individual patient shall not be released
20 notwithstanding any other provision of law."