

HB 4418

FILED

2008 MAR 12 AM 4:49

SECRETARY OF STATE

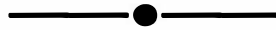
**WEST VIRGINIA LEGISLATURE**  
SECOND REGULAR SESSION, 2008



**ENROLLED**

**COMMITTEE SUBSTITUTE  
FOR  
House Bill No. 4418**

(By Delegates Perdue, Hatfield, Long, Boggs,  
Staggers, Varner and Hamilton)



Passed March 4, 2008

In Effect Ninety Days from Passage

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**H. B. 4418**

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(BY DELEGATES PERDUE, HATFIELD, LONG, BOGGS,  
STAGGERS, VARNER AND HAMILTON)

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[Passed March 4, 2008; in effect ninety days from passage.]

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-5B-17, relating to healthcare-associated infection reporting; establishing an advisory panel; establishing panel responsibilities; establishing limitations on use of information; establishing that all hospitals shall report; establishing that the Health Care Authority will make the data available to the public and to Bureau of Public Health; providing an implementation date for hospital reporting; and penalties.

*Be it enacted by the Legislature of West Virginia:*

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §16-5B-17, to read as follows:

**ARTICLE 5B. HOSPITALS AND SIMILAR INSTITUTIONS.**

**§16-5B-17. Healthcare-associated infection reporting.**

1 (a) As used in this section, the following words mean:

2 (1) “Centers for Disease Control and Prevention” or  
3 “CDC” means the United States Department of Health and  
4 Human Services Centers for Disease Control and Prevention;

5 (2) “National Healthcare Safety Network” or “NHSN”  
6 means the secure Internet-based data collection surveillance  
7 system managed by the Division of Healthcare Quality  
8 Promotion at the CDC, created by the CDC for accumulating,  
9 exchanging and integrating relevant information on infectious  
10 adverse events associated with healthcare delivery.

11 (3) “Hospital” means hospital as that term is defined in  
12 subsection-e, section three, article twenty-nine-b, chapter  
13 sixteen.

14 (4) “Health care-associated infection” means a localized  
15 or systemic condition that results from an adverse reaction to  
16 the presence of an infectious agent or a toxin of an infectious  
17 agent that was not present or incubating at the time of  
18 admission to a hospital.

19 (5) “Physician” means a person licensed to practice  
20 medicine by either the board of medicine or the board of  
21 osteopathy.

22 (6) “Nurse” means a person licensed in West Virginia as  
23 a registered professional nurse in accordance with article  
24 seven, chapter thirty.

25 (b) The West Virginia Health Care Authority is hereby  
26 directed to create an Infection Control Advisory Panel whose  
27 duty is to provide guidance and oversight in implementing  
28 this section. The advisory panel shall consist of the  
29 following members:

30 (1) Two board-certified or board-eligible physicians,  
31 affiliated with a West Virginia hospital or medical school,  
32 who are active members of the Society for Health Care  
33 Epidemiology of America and who have demonstrated an  
34 interest in infection control;

35 (2) One physician who maintains active privileges to  
36 practice in at least one West Virginia hospital;

37 (3) Three infection control practitioners, two of whom are  
38 nurses, each certified by the Certification Board of Infection  
39 Control and Epidemiology, and each working in the area of  
40 infection control. Rural and urban practice must be  
41 represented;

42 (4) A statistician with an advanced degree in medical  
43 statistics;

44 (5) A microbiologist with an advanced degree in clinical  
45 microbiology;

46 (6) The Director of the Division of Disease Surveillance  
47 and Disease Control in the Bureau for Public Health or a  
48 designee; and

49 (7) The director of the hospital program in the office of  
50 health facilities, licensure and certification in the Bureau for  
51 Public Health.

52 (c) The advisory panel shall:

53 (1) Provide guidance to hospitals in their collection of  
54 healthcare-associated infections;

55 (2) Provide evidence-based practices in the control and  
56 prevention of healthcare-associated infections;

57 (3) Establish reasonable goals to reduce the number of  
58 healthcare-associated infections;

59 (4) Develop plans for analyzing infection-related data  
60 from hospitals;

61 (5) Develop healthcare-associated advisories for hospital  
62 distribution;

63 (6) Review and recommend to the West Virginia Health  
64 Care Authority the manner in which the reporting is made  
65 available to the public to assure that the public understands  
66 the meaning of the report; and

67 (7) Other duties as identified by the West Virginia Health  
68 Care Authority .

69 (d) Hospitals shall report information on  
70 healthcare-associated infections in the manner prescribed by  
71 the CDC National Healthcare Safety Network(NHSN). The  
72 reporting standard prescribed by the CDC National  
73 Healthcare Safety Network(NHSN), as adopted by the West  
74 Virginia Health Care Authority, shall be the reporting system  
75 of the hospitals in West Virginia.

76 (e) Hospitals who fail to report information on  
77 healthcare-associated infections in the manner and time  
78 frame required by the West Virginia Health Care Authority  
79 shall be fined the sum of five thousand dollars for each such  
80 failure.

81 (f) The Infection Control Advisory Panel shall provide  
82 the results of the collection and analysis of all hospital data  
83 to the West Virginia Health Care Authority for public  
84 availability and the Bureau for Public Health for  
85 consideration in their hospital oversight and epidemiology  
86 and disease surveillance responsibilities in West Virginia.

87 (g) Data collected and reported pursuant to this act may  
88 not be considered to establish standards of care for any  
89 purposes of civil litigation in West Virginia.

90 (h) The West Virginia Health Care Authority shall report  
91 no later than January 15 of each year to the legislative  
92 oversight committee on health and human resources  
93 accountability, beginning in the year two thousand eleven.  
94 This yearly report shall include a summary of the results of  
95 the required reporting and the work of the advisory panel.

96 (i) The West Virginia Health Care Authority shall  
97 require that all hospitals implement and initiate this reporting  
98 requirement no later than the first day of July, two thousand  
99 nine.

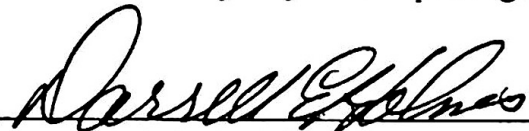
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

  
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Chairman Senate Committee

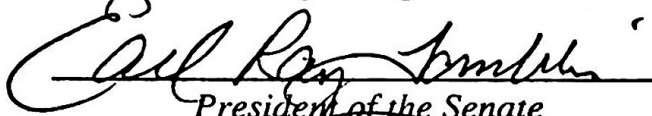
  
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Chairman House Committee

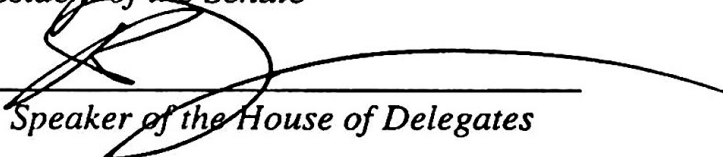
Originating in the House.

In effect ninety days from passage.

  
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Clerk of the Senate

  
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Clerk of the House of Delegates

  
\_\_\_\_\_  
President of the Senate

  
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Speaker of the House of Delegates

The within is approved this the 12<sup>th</sup>  
day of March, 2008.

  
\_\_\_\_\_  
Governor

PRESENTED TO THE  
GOVERNOR

MAR 7 X 2008

Time 9:35 AM