

## ACT 177

H.B. NO. 889

A Bill for an Act Relating to Health.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. The purpose of this Act is to ensure that Hawaii is consistent with the efforts of federal agencies to control health care-associated infections. This Act also ensures that the department of health has access to health care-associated infection data reported by Hawaii's health care providers to the federal government. In addition, this Act requires the legislature to be updated on federal and state efforts to report health care-associated infections.

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

**"§321- Health care-associated infection reporting.** (a) Each health care facility in the State that is certified by the Centers for Medicare and Medicaid Services shall report information about health care-associated infections to the Centers for Disease Control and Prevention's national healthcare safety network, as specified in the rules of the Centers for Medicare and Medicaid Services.

(b) Health care facilities subject to this section shall authorize the Centers for Disease Control and Prevention to allow the department to access health care-associated infection data reported by those health care facilities to the national healthcare safety network.

(c) The department may adopt rules pursuant to chapter 91 to require that health care-associated infections that are multidrug-resistant be reported to the department through the national healthcare safety network. The rules shall specify which health care facilities are required to report those health care-associated infections that are multidrug-resistant through the national healthcare safety network, as well as the patient populations that are to be targeted in the reports. The first year of reporting required under this subsection shall be a pilot test of the reporting system and shall not be reported or disclosed to the public.

(d) The department shall preserve patient confidentiality and shall not disclose to the public any patient-level data obtained from any health care facility.

(e) The department may issue reports to the public regarding health care-associated infections in aggregate data form to protect individual patient identity. The reports may identify individual health care facilities. The reports shall use the methodology or any part of the methodology developed by the Centers for Disease Control and Prevention and the Centers for Medicare and Medicaid Services for national reporting of health care-associated infections.

(f) Health care-associated infection information held by the department as a result of reporting under this section is not subject to subpoena, discovery, or introduction into evidence in any civil or criminal proceeding; provided that health care-associated infection information otherwise available from other

sources is not immune from subpoena, discovery, or introduction into evidence through those sources solely because the information was reported as required by this section.

(g) Beginning on June 30, 2013, and no later than June 30 of each year, thereafter, the department shall prepare a public report, in accordance with this section, containing information pertaining to health care-associated infections in the State for the previous calendar year.

(h) For the purposes of this section:

“Department” means the department of health.

“Health care facility” means the same as in section 323D-2.”

SECTION 3. The department of health shall submit a report to the legislature providing an update on health care-associated infection reporting required under section 2 of this Act no later than twenty days prior to the convening of the regular session of 2012.

SECTION 4. New statutory material is underscored.<sup>1</sup>

SECTION 5. This Act shall take effect upon its approval.

(Approved July 1, 2011.)

**Note**

1. Edited pursuant to HRS §23G-16.5.