

SENATE BILL NO. 209—COMMITTEE ON
HEALTH AND HUMAN SERVICES

(ON BEHALF OF THE LEGISLATIVE COMMITTEE ON HEALTH CARE)

MARCH 1, 2011

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions relating to reports of sentinel events and related information reported by certain medical facilities. (BDR 40-193)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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EXPLANATION – Matter in **bolded italics** is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to public health; requiring certain reports relating to sentinel events to be made available to the public; revising provisions relating to the use and release of certain information submitted to the Internet-based surveillance system established by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires certain medical facilities to submit to the Health Division of the Department of Health and Human Services reports of sentinel events. (NRS 439.835) The term "sentinel event" is defined for the purposes of these reports to mean an unexpected occurrence involving facility-acquired infection, death or serious physical or psychological injury or the risk thereof. (NRS 439.830) The Health Division is required to prepare annual reports concerning those reports which were submitted by medical facilities located in a county whose population is 100,000 or more (currently Clark and Washoe Counties). (NRS 439.840) **Section 1** of this bill requires the Health Division to make those annual reports available on the Department's website.

Existing law requires medical facilities which provide care to 25 or more patients per day to submit information to the Internet-based surveillance system established and maintained by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services and requires the Health Division to analyze that information. (NRS 439.847) **Section 2** of this bill



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16 requires the Health Division to report that information publicly in a format which
17 allows comparisons of medical facilities.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 439.840 is hereby amended to read as follows:
2 439.840 1. The Health Division shall:

3 (a) Collect and maintain reports received pursuant to NRS
4 439.835 and 439.843 and any additional information requested by
5 the Health Division pursuant to NRS 439.841;

6 (b) Ensure that such reports, and any additional documents
7 created from such reports, are protected adequately from fire, theft,
8 loss, destruction and other hazards and from unauthorized access;

9 (c) Annually prepare a report of sentinel events reported
10 pursuant to NRS 439.835 by a medical facility located in a county
11 whose population is 100,000 or more, including, without limitation,
12 the type of event, the number of events and the medical facility
13 which reported the event **H**, *and provide the report for inclusion*
14 *on the Internet website maintained pursuant to NRS 439A.270;*
15 and

16 (d) Annually prepare a summary of the reports received pursuant
17 to NRS 439.835 and provide a summary for inclusion on the
18 Internet website maintained pursuant to NRS 439A.270. The Health
19 Division shall maintain the confidentiality of the reports submitted
20 pursuant to NRS 439.835 when preparing the annual summary
21 pursuant to this paragraph.

22 2. Except as otherwise provided in this section and NRS
23 239.0115, reports received pursuant to NRS 439.835 and subsection
24 1 of NRS 439.843 and any additional information requested by the
25 Health Division pursuant to NRS 439.841 are confidential, not
26 subject to subpoena or discovery and not subject to inspection by the
27 general public.

28 **Sec. 2.** NRS 439.847 is hereby amended to read as follows:

29 439.847 1. Each medical facility which provided medical
30 services and care to an average of 25 or more patients during each
31 business day in the immediately preceding calendar year shall,
32 within 120 days after becoming eligible, participate in the secure,
33 Internet-based surveillance system established by the Division of
34 Healthcare Quality Promotion of the Centers for Disease Control
35 and Prevention of the United States Department of Health and
36 Human Services that integrates patient and health care personnel
37 safety surveillance systems. As part of that participation, the
38 medical facility shall provide, at a minimum, the information
39 required by the Health Division pursuant to this subsection. The



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1 Health Division shall by regulation prescribe the information which
2 must be provided by a medical facility, including, without
3 limitation, information relating to infections and procedures.

4 2. Each medical facility which provided medical services and
5 care to an average of less than 25 patients during each business day
6 in the immediately preceding calendar year may participate in the
7 secure, Internet-based surveillance system established by the
8 Division of Healthcare Quality Promotion of the Centers for Disease
9 Control and Prevention of the United States Department of Health
10 and Human Services that integrates patient and health care
11 personnel safety surveillance systems.

12 3. A medical facility that participates in the secure, Internet-
13 based surveillance system established by the Division of Healthcare
14 Quality Promotion shall ~~{authorize}~~ :

15 *(a) Authorize* the Health Division to access all information
16 submitted to the system ~~[, and the Health Division shall enter into an~~
17 ~~agreement with the Division of Healthcare Quality Promotion to~~
18 ~~carry out the provisions of this section.] ; and~~

19 *(b) Provide consent for the Health Division to include*
20 *information submitted to the system in the reports posted pursuant*
21 *to paragraph (b) of subsection 4, including, without limitation,*
22 *permission to identify the medical facility that is the subject of*
23 *each report.*

24 4. The Health Division shall ~~{analyze}~~ :

25 *(a) Analyze* the information submitted to the system by medical
26 facilities pursuant to this section and recommend regulations and
27 legislation relating to the reporting required pursuant to NRS
28 439.800 to 439.890, inclusive.

29 *(b) Annually prepare a report of the information submitted to*
30 *the system by each medical facility pursuant to this section and*
31 *provide the reports for inclusion on the Internet website*
32 *maintained pursuant to NRS 439A.270. The information must be*
33 *reported in a manner that allows a person to compare the*
34 *information for the medical facilities.*

35 *(c) Enter into an agreement with the Division of Healthcare*
36 *Quality Promotion to carry out the provisions of this section.*

37 **Sec. 3.** NRS 439A.270 is hereby amended to read as follows:

38 439A.270 1. The Department shall establish and maintain an
39 Internet website that includes the information concerning the
40 charges imposed and the quality of the services provided by the
41 hospitals and surgical centers for ambulatory patients in this State as
42 required by the programs established pursuant to NRS 439A.220
43 and 439A.240. The information must:

44 (a) Include, for each hospital in this State, the total number of
45 patients discharged, the average length of stay and the average billed



1 charges, reported for the 50 most frequent diagnosis-related groups
2 for inpatients and 50 medical treatments for outpatients that the
3 Department determines are most useful for consumers;

4 (b) Include, for each surgical center for ambulatory patients in
5 this State, the total number of patients discharged and the average
6 billed charges, reported for 50 medical treatments for outpatients
7 that the Department determines are most useful for consumers;

8 (c) Be presented in a manner that allows a person to view and
9 compare the information for the hospitals by:

- 10 (1) Geographic location of each hospital;
11 (2) Type of medical diagnosis; and
12 (3) Type of medical treatment;

13 (d) Be presented in a manner that allows a person to view and
14 compare the information for the surgical centers for ambulatory
15 patients by:

- 16 (1) Geographic location of each surgical center for
17 ambulatory patients;
18 (2) Type of medical diagnosis; and
19 (3) Type of medical treatment;

20 (e) Be presented in a manner that allows a person to view and
21 compare the information separately for:

- 22 (1) The inpatients and outpatients of each hospital; and
23 (2) The outpatients of each surgical center for ambulatory
24 patients;

25 (f) Be readily accessible and understandable by a member of the
26 general public;

27 (g) *Include the reports of sentinel events prepared for each*
28 *medical facility pursuant to paragraph (c) of subsection 1 of*
29 *NRS 439.840;*

30 (h) Include the annual summary of reports of sentinel events
31 prepared pursuant to paragraph (d) of subsection 1 of NRS 439.840;
32 ~~and~~

33 ~~—(h)—~~ (i) *Include the reports of information prepared for each*
34 *medical facility pursuant to paragraph (b) of subsection 4 of NRS*
35 *439.847; and*

36 (j) Provide any other information relating to the charges
37 imposed and the quality of the services provided by the hospitals
38 and surgical centers for ambulatory patients in this State which the
39 Department determines is:

- 40 (1) Useful to consumers;
41 (2) Nationally recognized; and
42 (3) Reported in a standard and reliable manner.

43 2. The Department shall:

44 (a) Publicize the availability of the Internet website;



1 (b) Update the information contained on the Internet website at
2 least quarterly;

3 (c) Ensure that the information contained on the Internet website
4 is accurate and reliable;

5 (d) Ensure that the information contained on the Internet website
6 is aggregated so as not to reveal the identity of a specific inpatient or
7 outpatient of a hospital;

8 (e) Post a disclaimer on the Internet website indicating that the
9 information contained on the website is provided to assist with the
10 comparison of hospitals and is not a guarantee by the Department or
11 its employees as to the charges imposed by the hospitals in this State
12 or the quality of the services provided by the hospitals in this State,
13 including, without limitation, an explanation that the actual amount
14 charged to a person by a particular hospital may not be the same
15 charge as posted on the website for that hospital;

16 (f) Provide on the Internet website established pursuant to this
17 section a link to the Internet website of the Centers for Medicare and
18 Medicaid Services of the United States Department of Health and
19 Human Services; and

20 (g) Upon request, make the information that is contained on the
21 Internet website available in printed form.

22 3. As used in this section, “diagnosis-related group” means
23 groupings of medical diagnostic categories used as a basis for
24 hospital payment schedules by Medicare and other third-party health
25 care plans.

26 **Sec. 4.** This act becomes effective on July 1, 2011.

