

**Minutes of the Healthcare Data Advisory Council
March 3, 2010**

Board Room 1586
Alabama Department of
Public Health
The RSA Tower
Montgomery, Alabama

Members Present

Donald E. Williamson, M.D., State Health Officer; Chairman
Beth Anderson; Alabama Hospital Association
Laura Bell; Alabama Hospital Association
Beth Goodall; Alabama Hospital Association
Keith Granger; Alabama Hospital Association
Scott Harris, M.D.; Medical Association of the State of Alabama
Stacey Hollis; Consumer
Linda Jordan; Alabama Hospital Association
Donna Joyner; Public Education Employees' Health Insurance Plan
William McCollum, M.D.; Mineral District Medical Society
Patty Miller; Alabama Hospital Association
Susan Warren; Blue Cross Blue Shield of Alabama

Members Absent

Rick Finch; Business Council of Alabama
Michael Jordan; Business Council of Alabama
Wickliffe Many, M.D.; Medical Association of the State of Alabama
Sherry Melton, M.D.; Medical Association of the State of Alabama
Michael O'Malley; Alabama Association of Health Plans
Alan Stamm, M.D.; Association for Professionals in Infection Control
Debbie Unger; State Employees' Insurance Board

Staff Present

W.T. Geary, M.D., Health Provider Standards
Brian Hale, Legal Counsel
Rick Harris, Health Provider Standards
Nina Hassell, Epidemiology
Tracy Shamburger, Epidemiology
Kelly Stevens, Epidemiology
Sharon Thompson, Epidemiology
Charles H. Woernle, M.D., M.P.H., Bureau of Communicable Disease

CALL TO ORDER:

The meeting of the Healthcare Data Advisory Council was called to order at 9 a.m. by the Chairman, Dr. Williamson, and roll call was taken. A quorum was present.

CONSIDERATION OF MINUTES (EXHIBIT "A"):

The minutes of the February 3, 2010, Healthcare Data Advisory Council were presented. The Council recommended approval; the motion carried unanimously.

MIKE DENTON INFECTION REPORTING ACT – RULE PROMULGATION (EXHIBIT "B"):

Dr. Williamson presented amended draft rules of the Mike Denton Infection Reporting Act. The Council discussed each section and paragraph of the proposed rules and approved the following motions to further modify the proposed rules; all motions carried unanimously.

- **420-4-5-.01 Definitions and Acronyms**
 - (1)(b) "ADPH" added address *"Bureau of Communicable Disease, Division of Epidemiology, HAI Branch: The RSA Tower, 201 Monroe Street, Montgomery, AL 36104, P.O. Box 303017, Montgomery, AL 36130-3017."*
 - (1)(h) "Critical Care Unit" added definition *"means a care area that provides intensive observation, diagnosis, and therapeutic procedures for adults or children or both who are critically ill. Care areas that provide step-down, intermediate care, or telemetry only, and specialty care areas are excluded."*
 - (1)(k) "General Care Ward" added definition *"means a multidisciplinary care area that provides moderate observation, diagnosis, and therapeutic procedures for adults or children or both who are ill."*
 - (1)(m) "Healthcare Facility" modified definition *"means general, critical access, and specialized hospitals, including pediatric hospitals but excluding psychiatric, rehabilitation, long-term care, and eye hospitals, licensed pursuant to Code of Ala. 1975, § 22-21-20."*

- **420-4-5-.02 Healthcare Facility Responsibilities**

- (3) modified *“The Advisory Council and ADPH shall review and make recommendations for regulatory modifications of HAI reporting categories annually.”*

- **420-4-5-.03 Healthcare Data Advisory Council Responsibilities**

- added *“The Advisory Council shall review and serve as consultants to ADPH on all matters pertaining to the collection and reporting of HAI rates including the cost of providing this information.*

(a) *Specifically, the Advisory Council shall assist in activities such as the development of reporting categories, the corresponding definitions and the development of reports, both internal and to the public.*

(b) *The Advisory Council shall review and approve any amendments to the rules and regulations, or policies and procedures, on healthcare facility infection reporting.*

(c) *All meetings of the Advisory Council shall be announced in advance and conducted pursuant to the Open Meetings Act, Code of Ala. 1975, § 36-25A-1, et seq.*

(d) *A quorum shall be a majority of the appointed members of the Advisory Council.*

(e) *Voting by proxy shall not be allowed.*

(f) *The State Health Officer shall serve as chair of the Advisory Council, without a vote, except where there is a tie vote of the other members present at the meeting.*

(g) *The Advisory Council may appoint technical advisory committees. The technical advisory committee members do not have to be members of the Advisory Council.*

(h) *The Advisory Council shall meet at least annually to review reports, and may meet more often at the call of the chair, or upon written request of at least three members of the Advisory Council, to review and approve amendments to the rules and regulations.”*

- **420-4-5-.06 Data Validation and Quality Assurance**

- (4) deleted *“Healthcare facilities shall establish routine laboratory audits to ensure the completeness and accuracy of the data collection.”*
- (5) modified *“Healthcare facilities shall be open to site visits by ADPH to ensure the timeliness of reporting and to cooperate in problem resolution.”*

- **420-4-5-.07 Studies and Publications**

- (3) modified *“ADPH shall allow all healthcare facilities that have submitted HAI data which will be used in any report to review and comment on the healthcare facility-specific information prior to its publication or release for general public use.”*

(a) “Comments of healthcare facilities shall be included, at the option of the healthcare facility, with information publically reported if it is not changed based upon those comments.”

- **420-4-5-.08 Privacy and Confidentiality**

- (1) modified *“Individual patient information submitted to ADPH shall not be public records and shall not be subject to discovery.”*
- (4) modified *“Individual patient data submitted to ADPH by healthcare facilities shall at all times remain confidential and privileged from discovery.”*
- (5) added *“All information and records acquired or developed shall be secured, have restricted access, and shall be maintained based on the policies established by the Advisory Council and ADPH.”*

- **420-4-5-.09 Penalties**

- (1) modified *“The willful and intentional failure of a healthcare facility to comply with the HAI reporting requirements of these rules may result in the imposition of a civil monetary penalty not to exceed \$5,000 per violation.*

(a) Willful and intentional failure to comply with the reporting requirements of these rules includes the following:

1. *Failure to submit required data by the deadline set forth in these rules, followed by the facility's failure to submit the data within sixty days of being notified by ADPH of the overdue submission, and*

2. *Deliberate falsification of data submitted.*

(b) A healthcare facility may appeal the assessment of a civil penalty by requesting a hearing that shall be held in accordance with the Board's Rules for Hearing of Contested Cases, Ala. Admin. Code, Chapter 420-1-3, and the Alabama Administrative Procedure Act, Code of Ala. 1975, § 41-22-1, et seq.

(2) All civil monetary penalties collected shall be deposited into the General Fund."

The Council moved to approve the draft rules as amended and forward the approved rules to the State Committee of Public Health requesting approval for public comment; the motion carried unanimously.

TECHNICAL WORK GROUP

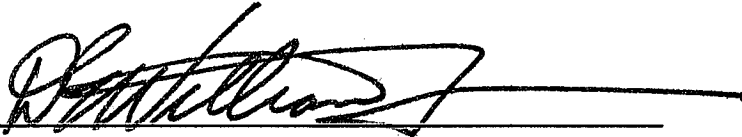
Dr. Williamson made a recommendation to the Council that a technical work group be convened to assist in developing the HAI reporting training program. The Council moved to form a technical work group requesting volunteers from the Council and partner agencies to participate; the motion carried unanimously. Kelly Stevens will coordinate the meeting schedule for the Technical Work Group.

SCHEDULED MEETINGS:

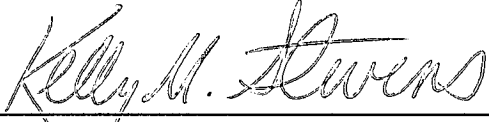
The next Council meeting will be April 7, 2010, at 9 a.m.

ADJOURNMENT:

A motion was made to adjourn the meeting at 11:30 a.m. The motion carried unanimously.



Donald E. Williamson, M.D., Chairman
Healthcare Data Advisory Council



Kelly M. Stevens, M.S.
Healthcare-Associated Infections (HAI) Program Manager

Approved May 5, 2010