

SENATE BILL REPORT

HB 1739

As Passed Senate, March 4, 2022

Title: An act relating to modernizing hospital policies related to pathogens of epidemiological concern.

Brief Description: Modernizing hospital policies related to pathogens of epidemiological concern.

Sponsors: Representatives Maycumber, Cody and Ramos.

Brief History: Passed House: 2/9/22, 96-0.

Committee Activity: Health & Long Term Care: 2/21/22, 2/23/22 [DP, DNP, w/oRec].

Floor Activity: Passed Senate: 3/4/22, 48-0.

Brief Summary of Bill

- Requires hospitals to adopt policies on any pathogen of epidemiological concern, rather than only methicillin-resistant staphylococcus aureus.
- Imposes and changes hospital reporting requirements relating to pathogens of epidemiological concern.

SENATE COMMITTEE ON HEALTH & LONG TERM CARE

Majority Report: Do pass.

Signed by Senators Cleveland, Chair; Frockt, Vice Chair; Muzzall, Ranking Member; Conway, Holy, Keiser, Padden, Randall, Robinson and Sefzik.

Minority Report: Do not pass.

Signed by Senator Rivers.

Minority Report: That it be referred without recommendation.

Signed by Senator Van De Wege.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Staff: Julie Tran (786-7283)

Background: Methicillin-Resistant Staphylococcus Aureus. Staphylococcus aureus, or "staph," are bacteria that live on the skin and can cause infections ranging from pimples or boils to more serious infections of the internal organs. The majority of staph infections are minor and do not require treatment with antibiotics. More severe staph infections, are often treated with antibiotics. Methicillin-resistant staphylococcus aureus (MRSA) is a strain of staph that has become resistant to methicillin and other antibiotics.

MRSA is spread by touch or contact and can enter the body through cuts or surgical incisions. MRSA can lead to a range of health consequences from minor skin infections to more serious infections of organs and bones. Most MRSA infections are acquired in hospitals and other health care settings, but the number of MRSA infections acquired in the community has been increasing.

In 2009, the Legislature required every hospital in the state to adopt a MRSA policy, which must contain the following elements:

- a requirement that the hospital test any patient for MRSA who is a member of a patient population identified as appropriate based on the hospital's MRSA risk assessment;
- a requirement that a patient in the adult or pediatric ICU be tested for MRSA within 24 hours of admission unless the patient has already been tested during that hospital stay or has a previous history of MRSA;
- appropriate procedures for preventing a patient who tests positive for MRSA from transmitting MRSA to other patients, including isolation and cohorting—in hospitals where patients infected or colonized with MRSA will be roomed with patients who are not infected or colonized, or whose status is unknown, the hospital must notify patients that they may be roomed with MRSA-positive patients; and
- a requirement that every patient with a MRSA infection receive oral and written instructions regarding aftercare and precautions against spreading the infection.

A hospital that has identified a hospitalized patient with a MRSA diagnosis must report the infection to the Department of Health using the state's Comprehensive Hospital Abstract Reporting System. When making the report, the hospital must use codes used by the United States Centers for Medicare and Medicaid Services, when available.

Summary of Bill: By January 1, 2023, each licensed hospital must expand its MRSA policy from only MRSA to include the prevention and control of the transmission of pathogens of epidemiological concern. The policy's elements specific to MRSA are eliminated. At a minimum, the policy must contain:

- a facility risk assessment to identify pathogens of epidemiological concern that considers elements such as the probability of occurrence as determined via surveillance, potential impact, and measures the hospital has implemented to mitigate the risk to patients, health care workers, and visitors; and

- appropriate evidence-based procedures and intervention strategies to identify and help prevent patients from transmitting pathogens of epidemiological concern to other patients and health care workers.

When a hospital identifies a patient through appropriate testing who has a pathogen of epidemiological concern that is required to be reported to the United States Centers for Disease Control and Prevention's National Healthcare Safety Network, the hospital must make the report as required by the United States Centers for Medicare and Medicaid Services.

The requirement for MRSA infections to be reported to the state's Comprehensive Hospital Abstract Reporting System is eliminated.

"Pathogens of epidemiological concern" means infectious agents that have one or more of the following characteristics:

- a propensity for transmission within health care facilities based on published reports from the centers for disease control and prevention and the occurrence of temporal or geographic clusters of two or more patients;
- antimicrobial resistance implications;
- association with serious clinical disease or increased morbidity and mortality; or
- a newly discovered or reemerging pathogen.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: Current laws to prevent the spread of MRSA are outdated and it needs to be updated to increase the safety of patients and staff. The Centers for Disease Control and Prevention has identified additional dangerous pathogens that may pose a threat. Hospitals should use their resources to focus on multiple pathogens rather than committing all those resources to only one pathogen. This bill will boost hospitals' readiness for outbreaks and epidemics. This bill will also advance infection prevention and control practices for the benefit of patients and healthcare workers.

CON: Anti-microbial resistance and emerging pathogens are important concerns but this bill is not the solution. Hospitals and hospital networks already have infectious disease departments. This bill places an unnecessary burden on hospitals for creation and maintenance of more policies, which creates additional compliance and policy issues and hampers the hospital's work. The broad language in the bill regarding pathogens of epidemiological concerns poses a serious threat of abuse to a patient's rights, including a

patient's visitation and privacy rights.

Persons Testifying: PRO: Kathryn Kolan, Washington State Hospital Association.

CON: Lara Gabriel.

Persons Signed In To Testify But Not Testifying: No one.