

SENATE BILL NO. 129

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY THE SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 3/14/95

Referred: HES, JUD, FIN

A BILL

FOR AN ACT ENTITLED

1 "An Act providing for a statewide data reporting system for health care facilities;
2 establishing civil penalties for failure to report required data to that system;
3 establishing the Alaska Health Care Facility Data Reporting System Advisory
4 Council; and providing for an effective date."

5 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

6 * **Section 1.** AS 18 is amended by adding a new chapter to read:

7 CHAPTER 24. ALASKA HEALTH CARE FACILITY DATA REPORTING SYSTEM.

8 Sec. 18.24.005. PURPOSE. The purpose of this chapter is to establish a
9 comprehensive data base on health care services in Alaska to evaluate access,
10 affordability, and quality of those services and to meet certain public health duties.

11 Sec. 18.24.010. ALASKA HEALTH CARE FACILITY DATA REPORTING
12 SYSTEM. The Alaska Health Care Facility Data Reporting System is established in
13 the department. The system consists of health care facility data and other information
14 designated by the department and collected and reported to the department by health

1 care facilities in accordance with this chapter. All health care facilities in this state
2 shall participate in the system by July 1, 1997. A health care facility in this state may
3 voluntarily participate in the system at any time.

4 Sec. 18.24.020. ADVISORY COUNCIL. (a) The Alaska Health Care Facility
5 Data Reporting System Advisory Council is established in the department. The council
6 consists of the commissioner or the commissioner's designee, who serves as the chair
7 of the council, and six other members who are appointed by the commissioner and
8 serve at the pleasure of the commissioner. The six appointed members of the council
9 are as follows:

10 (1) three employees of the department with expertise in health care
11 data; and

12 (2) three representatives of health care facilities.

13 (b) To minimize costs, council meetings shall be held telephonically.
14 Notwithstanding AS 39.20.180, a council member is not entitled to compensation,
15 travel expenses, or per diem for service on the council.

16 (c) A meeting is held at the call of the chair of the council. Four members of
17 the council constitute a quorum to conduct council business, and a majority vote of the
18 members present is necessary for the council to take action.

19 (d) The council may provide advice and recommendations to the department
20 on the following:

21 (1) regulations proposed to be adopted by the department under this
22 chapter;

23 (2) data and other information to be collected as part of the system;

24 (3) costs to health care facilities in order to comply with this chapter;

25 (4) proposals for health care facilities to participate in the phase-in of
26 the system; and

27 (5) other health care data system issues, at the request of the
28 commissioner.

29 Sec. 18.24.030. DUTIES OF THE DEPARTMENT REGARDING SYSTEM.

30 The department shall

31 (1) develop, implement, and operate statewide the Alaska Health Care

1 Facility Data Reporting System established in this chapter;

2 (2) consult with the advisory council established by AS 18.24.020
3 regarding matters concerning the operation of the system;

4 (3) provide for the periodic collection, reporting, and analysis of health
5 care data;

6 (4) compile and publish statistics and other information on the nature
7 and extent of certain health care problems and the availability of health care facilities
8 for diagnosing and treating those problems;

9 (5) cooperate with appropriate federal, state, and local agencies in the
10 development and operation of the system; and

11 (6) adopt regulations in accordance with AS 44.62 (Administrative
12 Procedure Act) to implement and interpret this chapter.

13 Sec. 18.24.040. SUBMISSION OF DATA TO THE SYSTEM. (a) A health
14 care facility that volunteers or is mandated to participate in the system shall submit to
15 the department facility data on inpatient discharges, data on outpatient visits, and other
16 information relating to the discharges and visits, designated by the department under
17 (b) of this section. The health care facility shall submit the data and other information
18 on a quarterly basis unless the facility requests a more frequent submission schedule.

19 (b) The department shall designate the required data and other information, and
20 the format by which the data and information is to be submitted by the health care
21 facility. The department's designation for format must be substantially based on the
22 most current uniform billing form developed by the United States Department of
23 Health and Human Services, Social Security Administration, Health Care Financing
24 Authority, unless the commissioner certifies to the governor that that federal uniform
25 billing form no longer exists. The department may not require a health care facility
26 to provide more data or information than the available areas of the most current federal
27 uniform billing form can accommodate.

28 (c) A health care facility shall submit the required data and other information
29 to the department on magnetic disk, magnetic tape, or through similar means of
30 electronic transfer approved by the department. If a health care facility has less than
31 15 acute care beds, the facility may apply to the department for a waiver of the

1 requirement for electronic transfer. The department may grant a waiver under this
2 subsection if it determines that the submission by electronic transfer would cause an
3 economic hardship for that health care facility.

4 Sec. 18.24.800. DISCLOSURE OF DATA. (a) Data and other information
5 contained in the system that identifies or is capable of identifying a recipient of health
6 care services is considered a confidential medical and related public health record and
7 is not subject to disclosure under AS 09.25.110 or 09.25.115.

8 (b) Data and other information contained in the system that identifies or is
9 capable of identifying a health care facility's costs or charges for a health care service
10 is confidential as proprietary information and may be disclosed only to an employee
11 of the state and to the health care facility that submitted the data or other information.
12 However, the department may disclose price and cost data contained in the system on
13 a basis that does not identify and is not capable of identifying a health care facility.

14 (c) Data and other information contained in the system that is not confidential
15 under federal or state law, including (a) and (b) of this section, is subject to disclosure
16 as a public record under AS 09.25.110 and 09.25.115.

17 (d) From data or other information contained in the system, the department
18 may develop a secondary data base that does not contain confidential information and
19 is releasable as an electronic product under AS 09.25.115.

20 Sec. 18.24.810. IMMUNITY FROM LIABILITY. (a) The state, its
21 employees, its agents, and members of the advisory council established in
22 AS 18.24.020, are not liable for civil damages as a result of an act or omission in the
23 execution of their authorized activities or duties under this chapter.

24 (b) A health care facility, its employees, and its agents, are not liable for civil
25 damages as a result of an act or omission in the execution of their required activities
26 or duties under this chapter. This subsection does not preclude the imposition of a
27 civil penalty under AS 18.24.820.

28 (c) The provisions of (a) and (b) of this section do not preclude liability for
29 damages as a result of reckless or intentional misconduct.

30 (d) The provision of (c) of this section does not constitute a waiver or
31 limitation of sovereign or other immunity for the state, its employees, its agents, and

1 members of the advisory council established in AS 18.24.020.

2 Sec. 18.24.820. CIVIL PENALTY. A health care facility that fails to submit
3 data or other information as required by this chapter is subject to a civil penalty
4 assessed by the commissioner in the amount of \$50 per day for the first 30 days of
5 noncompliance, \$100 per day for the next 30 days of noncompliance, and \$250 per day
6 for each day of noncompliance after that. The aggregate of civil penalties assessed
7 under this section against a facility may not exceed \$5,000 in a calendar year.

8 Sec. 18.24.900. DEFINITIONS. In this chapter, unless the context requires
9 otherwise,

10 (1) "acute care bed" means a bed licensed as an acute care bed by the
11 department;

12 (2) "acute care hospital" means a facility that provides hospitalization
13 for inpatient medical and surgical care of acute illness or injury and obstetric care;

14 (3) "ambulatory surgical center" means a facility that performs surgical
15 procedures on patients who stay in the facility for less than 24 hours;

16 (4) "commissioner" means commissioner of the department;

17 (5) "data on inpatient discharge" means a summary of services that
18 were provided to a discharged patient at the health care facility, as detailed on the
19 form required by the department;

20 (6) "data on outpatient visit" means a summary of an outpatient visit
21 at the health care facility, as detailed on the form required by the department;

22 (7) "department" means the Department of Health and Social Services;

23 (8) "electronic transfer" means the transference of data via magnetic
24 tape, floppy disk, or terminal to terminal across telephone lines;

25 (9) "health care facility" means an acute care hospital, specialized care
26 hospital, or an ambulatory surgical center licensed by the department;

27 (10) "inpatient discharge" means the release of a patient from a health
28 care facility after at least a 24-hour stay;

29 (11) "outpatient visit" means a patient stay of less than 24 hours in a
30 health care facility during which the patient received at least one of the following
31 services: emergency room special procedures, endoscopy, sigmoidoscopy, outpatient

1 or ambulatory surgery, cardiac catheterization, magnetic resonance imaging, or other
2 procedures specified by the department;

3 (12) "specialized care hospital" means a hospital that is primarily
4 engaged in the treatment of one specific type of illness or disability;

5 (13) "system" means the Alaska Health Care Facility Data Reporting
6 System established in this chapter.

7 * **Sec. 2. TRANSITION: PARTICIPATION.** (a) Notwithstanding secs. 1 and 6 of this
8 Act, the commissioner of the Department of Health and Social Services shall phase in health
9 care facility participation in the Alaska Health Care Facility Data Reporting System regarding
10 acute care beds data as specified in this section. The commissioner shall provide for the
11 following minimum thresholds of participation to be met by the designated date:

12 (1) on or before July 1, 1995, one-third of all licensed acute care beds in the
13 state;

14 (2) on or before July 1, 1996, two-thirds of all licensed acute care beds in the
15 state;

16 (3) on or before July 1, 1997, all licensed acute care beds in the state.

17 (b) In order to meet the minimum thresholds in (a) of this section, the commissioner
18 shall solicit from health care facilities interest in voluntary participation in the system. If the
19 aggregate number of licensed acute care beds participating voluntarily in the system does not
20 meet the minimum thresholds set out in (a) of this section by the designated date, the
21 commissioner shall designate additional health care facilities that shall participate in the
22 system in order to reach those thresholds. In making designations for mandatory participation
23 under this section, the commissioner shall request and give consideration to any
24 recommendations of the Alaska Health Care Facility Data Reporting System Advisory Council
25 established in AS 18.24.020, enacted by sec. 1 of this Act.

26 (c) The commissioner may adopt regulations to implement this section.

27 (d) As used in this section,

28 (1) "acute care bed" has the meaning given that term in AS 18.24.900, enacted
29 by sec. 1 of this Act.

30 (2) "health care facility" has the meaning given that term in AS 18.24.900,
31 enacted by sec. 1 of this Act.

1 * **Sec. 3.** TRANSITION: REGULATIONS. The Department of Health and Social
2 Services may immediately proceed to adopt regulations to implement sec. 1 of this Act. The
3 regulations take effect under AS 44.62 (Administrative Procedure Act), but not before July 1,
4 1995.

5 * **Sec. 4.** FEASIBILITY STUDY FOR EXPANSION OF SYSTEM. The Department of
6 Health and Social Services shall study the feasibility of mandatory reporting of health care
7 data from other appropriate health care providers or facilities, including physician offices and
8 long-term care facilities, for inclusion in the Alaska Health Care Facility Data Reporting
9 System. As part of the study, the department shall solicit recommendations from the Alaska
10 Health Care Facility Data Reporting System Advisory Council. The department shall issue
11 a report on this study, including its recommendations, by July 1, 1997.

12 * **Sec. 5.** Sections 2, 3, and 4 of this Act take effect immediately under AS 01.10.070(c).

13 * **Sec. 6.** Except as provided in sec. 5 of this Act, this Act takes effect July 1, 1995.