

2021 -- H 6020

LC001529

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

A N A C T

**CREATING A SPECIAL LEGISLATIVE COMMISSION TO STUDY RHODE ISLAND'S
PAYMENT AND REIMBURSEMENT FOR HOSPITAL-ACQUIRED CONDITIONS (HAC)
AND HEALTHCARE-ASSOCIATED INFECTIONS (HAI) AND PROVIDE
RECOMMENDATIONS TO ESTABLISH/CLARIFY THE STATE'S POLICY AND
PROCEDURES**

Introduced By: Representatives Vella-Wilkinson, Noret, Ruggiero, Williams, Solomon,
Fogarty, Carson, McGaw, Donovan, and Cortvriend

Date Introduced: February 26, 2021

Referred To: House Health & Human Services

It is enacted by the General Assembly as follows:

1 WHEREAS, In 2016, it was estimated that hospital-acquired conditions (HAC), that the
2 Centers for Medicare & Medicaid Services (CMS) consider to be avoidable, account for 48,771
3 adverse patient outcomes, 3,219 deaths and more than \$2 billion in excess hospital costs in the
4 United States; and

5 WHEREAS, In response to this growing problem, the CMS implemented the HAC
6 Reduction Program in order "to improve patients' safety and reduce the number of conditions
7 people experience from their time in a hospital" and "to improve patients' safety and implement
8 best practices to reduce their rates of infections associated with health care"; and

9 WHEREAS, To encourage full participation in this program, hospitals are fined by the
10 Federal government when they are found to not be fully compliant as measured by "using data on
11 infections taken from charts, reports, and other sources and reported to the National Healthcare
12 Safety Network"; and

13 WHEREAS, Nine out of Rhode Island's eleven hospitals were penalized a total of \$440,000
14 for charging Medicare for unscheduled readmissions by patients due to HACs and healthcare-
15 associated infections (HAIs) last year; and

16 WHEREAS, Currently in Rhode Island, the required CMS policies pertaining to the HAC
17 Reduction Program and penalties are not clearly delineated or published, resulting in gross over-

1 charges to the State's reimbursements for Medicaid patients, and patients with private insurance are
2 likewise being overcharged; now, therefore be it

3 RESOLVED, That a special legislative commission be and the same is hereby created
4 consisting of nine (9) members; three (3) of whom shall be members of the House of
5 Representatives, two (2) of whom shall be appointed by the Speaker of the House and one of whom
6 shall be the Chair of the House Committee on Oversight, or designee; one of whom shall be the
7 Secretary of Rhode Island's Executive Office of Health and Human Services (EOHHS), or
8 designee; one of whom shall be a representative of an insurance carrier that offers Medicare
9 Advantage plans in Rhode Island, to be appointed by the Speaker of the House; one of whom shall
10 be the President of the Rhode Island Hospital Association, or designee; one of whom shall be the
11 Director of Provider Network Management and Medical/Payment Policy for Blue Cross & Blue
12 Shield of Rhode Island, or designee; one of whom shall be the President and Chief Operating
13 Officer of UnitedHealth Group, or designee; one of whom shall be the Director of HealthSource
14 RI, or designee.

15 In lieu of any appointment of a member of the legislature to a permanent advisory
16 commission, a legislative study commission, or any commission created by a General Assembly
17 resolution, the appointing authority may appoint a member of the general public to serve in lieu of
18 a legislator, provided that the majority leader or the minority leader of the political party which is
19 entitled to the appointment consent to the member of the general public.

20 The purpose of said commission shall be to study Rhode Island's payment and
21 reimbursement for hospital-acquired conditions (HACs) and healthcare-associated infections
22 (HAIs) and provide recommendations to establish/clarify the state's policy and procedures
23 including, but not limited to:

- 24 • Current CMS policies, requirements, procedures regarding HAC and HAI reimbursement
25 and monitoring;
- 26 • The State's regulation of current costs and reimbursements for Medicaid patients in regards
27 to HACs and HAIs; and
- 28 • The current policy for monitoring and reporting of potential overcharge for private
29 insurance patients due to HAC or HAI.

30 Forthwith upon passage of this resolution, the members of the commission shall meet at
31 the call of the Speaker of the House and organize and shall select, from among the legislators, a
32 chairperson

33 Vacancies in said commission shall be filled in like manner as the original appointment.

34 The membership of said commission shall receive no compensation for their services.

1 All departments and agencies of the state shall furnish such advice and information,
2 documentary and otherwise, to said commission and its agents as is deemed necessary or desirable
3 by the commission to facilitate the purposes of this resolution.

4 The Speaker of the House is hereby authorized and directed to provide suitable quarters for
5 said commission; and be it further

6 RESOLVED, That the commission shall report its findings and recommendations to the
7 House Committee on Oversight no later than January 5, 2022 and said commission shall expire on
8 March 5, 2022.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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RECOMMENDATIONS TO ESTABLISH/CLARIFY THE STATE'S POLICY AND
PROCEDURES

1 This resolution would create a nine (9) member special legislative commission whose
2 purpose it would be to make a comprehensive study of Rhode Island's payment and reimbursement
3 for hospital-acquired conditions (HACs) and healthcare-associated infections (HAIs) and provide
4 recommendations to establish/clarify the state's policy and procedures, and who would report back
5 to the House Oversight Committee no later than January 5, 2022 and whose life would expire on
6 March 5, 2022.

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