

AMENDED IN SENATE APRIL 10, 2014

SENATE BILL

No. 1311

Introduced by Senator Hill
(Coauthor: Assembly Member Mullin)

February 21, 2014

An act to ~~amend Section 120130 of~~ *add Section 1288.85 to the Health and Safety Code, relating to disease: public health.*

LEGISLATIVE COUNSEL'S DIGEST

SB 1311, as amended, Hill. ~~Reporting of antibiotic-resistant disease.~~
Public health: antimicrobial stewardship.

Existing law provides for the licensure and inspection of health facilities, including general acute care hospitals, by the State Department of Public Health. Existing law requires a general acute care hospital to develop a process for evaluating the judicious use of antibiotics, the result of which is required to be monitored by appropriate representatives and committees involved in quality improvement activities. Under existing law, a violation of the provisions governing health facilities constitutes a misdemeanor punishable by a fine not to exceed \$1,000, by imprisonment in a county jail, or by both that fine and imprisonment.

This bill would require all general acute care hospitals, as defined, to adopt and implement, by July 1, 2015, an antimicrobial stewardship policy in accordance with guidelines established by the federal government and professional organizations. The bill would require a general acute care hospital to develop a physician supervised multidisciplinary antimicrobial stewardship committee, subcommittee, or workgroup, and to appoint at least one physician or pharmacist to that committee, subcommittee, or workgroup who has attended training

specifically on antimicrobial stewardship, including, but not limited to, a training program offered by the federal Centers for Disease Control and Prevention. The bill would also require a general acute care hospital to report antimicrobial stewardship program activities to each appropriate hospital committee undertaking clinical quality improvement activities.

By expanding the scope of an existing crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~Existing law requires the State Department of Public Health to establish a list of reportable communicable and noncommunicable diseases and conditions, including, but not limited to, diphtheria, listeria, salmonella, shigella, and streptococcal infection in food handlers or dairy workers, and typhoid. Existing law requires local health officers to report to the department any disease or condition on the list as specified by the department. Violation of these provisions is a crime.~~

~~This bill would require the list created by the department to include antibiotic resistant infections and would require the department to consider adding antibiotic resistant infections listed in a prescribed federal Centers for Disease Control and Prevention (CDCR) report. The bill would require the department, in updating the list, to consider adding resistant infections listed in updates to the CDCR report. The bill would authorize the department to share the information gathered on antibiotic resistant infection with the federal CDCR. By adding to the list of diseases for which nonreporting is a crime, this bill would impose a state-mandated local program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 1288.85 is added to the Health and Safety*
2 *Code, immediately following Section 1288.8, to read:*

3 *1288.85. Each general acute care hospital, as defined in*
4 *subdivision (a) of Section 1250, shall do all of the following by*
5 *July 1, 2015:*

6 *(a) Adopt and implement an antimicrobial stewardship policy*
7 *in accordance with guidelines established by the federal*
8 *government and professional organizations.*

9 *(b) Develop a physician supervised multidisciplinary*
10 *antimicrobial stewardship committee, subcommittee, or workgroup.*

11 *(c) Appoint to the physician supervised multidisciplinary*
12 *antimicrobial stewardship committee, subcommittee, or workgroup,*
13 *at least one physician or pharmacist who has attended training*
14 *specifically on antimicrobial stewardship, including, but not limited*
15 *to, a continuing education training program offered by the federal*
16 *Centers for Disease Control and Prevention, the Society for*
17 *Healthcare Epidemiology of America, or similar recognized*
18 *professional organizations, or post graduate training with a*
19 *concentration in antimicrobial stewardship.*

20 *(d) Report antimicrobial stewardship program activities to each*
21 *appropriate hospital committee undertaking clinical quality*
22 *improvement activities.*

23 *SEC. 2. No reimbursement is required by this act pursuant to*
24 *Section 6 of Article XIII B of the California Constitution because*
25 *the only costs that may be incurred by a local agency or school*
26 *district will be incurred because this act creates a new crime or*
27 *infraction, eliminates a crime or infraction, or changes the penalty*
28 *for a crime or infraction, within the meaning of Section 17556 of*
29 *the Government Code, or changes the definition of a crime within*
30 *the meaning of Section 6 of Article XIII B of the California*
31 *Constitution.*

32 ~~*SECTION 1. Section 120130 of the Health and Safety Code*~~
33 ~~*is amended to read:*~~

34 ~~*120130. (a) The department shall establish a list of reportable*~~
35 ~~*diseases and conditions. For each reportable disease and condition,*~~
36 ~~*the department shall specify the timeliness requirements related*~~
37 ~~*to the reporting of each disease and condition, and the mechanisms*~~
38 ~~*required for, and the content to be included in, reports made*~~

1 pursuant to this section. The list of reportable diseases and
2 conditions may include both communicable and noncommunicable
3 diseases. The list may include those diseases that are either known
4 to be, or suspected of being, transmitted by milk or milk-based
5 products. The list shall include antibiotic resistant infections. The
6 department shall consider adding all urgent, serious, and concerning
7 resistant infections listed in the federal Centers for Disease Control
8 and Prevention (CDCR) report entitled “Antibiotic Resistance
9 Threats in the United States, 2013.”

10 (b) (1) The list may be modified at any time by the department,
11 after consultation with the California Conference of Local Health
12 Officers. When modifying the list, the department shall consider
13 any updates that have been made to the federal CDCR report
14 identified in subdivision (a).

15 (2) Modification of the list shall be exempt from the
16 administrative regulation and rulemaking requirements of Chapter
17 3.5 (commencing with Section 11340) of Part 1 of Division 3 of
18 Title 2 of the Government Code, and shall be implemented without
19 being adopted as a regulation, except that the revised list shall be
20 filed with the Secretary of State and printed in the California Code
21 of Regulations as required pursuant to subdivision (c). Those
22 diseases listed as reportable shall be properly reported as required
23 to the department by the health officer.

24 (c) The department shall establish a list of communicable
25 diseases and conditions for which clinical laboratories shall submit
26 a culture or a specimen to the local public health laboratory. The
27 list shall set forth the conditions under which the culture and
28 specimen shall also be submitted to the State Public Health
29 Laboratory. The list may be modified at any time by the
30 department, in consultation with appropriate local public health
31 stakeholders, including, but not limited to, local health officers
32 and public health laboratory directors. Both establishment and
33 modification of the list shall be exempt from the administrative
34 regulation and rulemaking requirements of Chapter 3.5
35 (commencing with Section 11340) of Part 1 of Division 3 of Title
36 2 of the Government Code, and shall be implemented without
37 being adopted as a regulation, except that the initial list and any
38 modifications shall be filed with the Secretary of State and printed
39 in the California Code of Regulations as required pursuant to
40 subdivision (f).

1 ~~(d) The department may from time to time adopt and enforce~~
2 ~~regulations requiring strict or modified isolation, or quarantine,~~
3 ~~for any of the contagious, infectious, or communicable diseases,~~
4 ~~if in the opinion of the department the action is necessary for the~~
5 ~~protection of the public health.~~

6 ~~(e) The health officer may require strict or modified isolation,~~
7 ~~or quarantine, for any case of contagious, infectious, or~~
8 ~~communicable disease, when this action is necessary for the~~
9 ~~protection of the public health.~~

10 ~~(f) The lists established pursuant to subdivisions (a) and (b) and~~
11 ~~any subsequent modifications shall be published in Title 17 of the~~
12 ~~California Code of Regulations.~~

13 ~~(g) Notwithstanding any other provision of law, no civil or~~
14 ~~criminal penalty, fine, sanction, or finding, or denial, suspension,~~
15 ~~or revocation of licensure for any person or facility may be imposed~~
16 ~~based upon a failure to provide the notification of a reportable~~
17 ~~disease or condition or to provide the submission of a culture or~~
18 ~~specimen that is required under this section, unless the name of~~
19 ~~the disease or condition that is required to be reported, or for which~~
20 ~~a culture or specimen is required to be submitted, was printed in~~
21 ~~the California Code of Regulations and the department notified~~
22 ~~the person or facility of the disease or condition at least six months~~
23 ~~prior to the date of the claimed failure to report or submit.~~

24 ~~(h) Commencing July 1, 2009, or within one year of the~~
25 ~~establishment of a state electronic laboratory reporting system,~~
26 ~~whichever is later, a report generated pursuant to this section, or~~
27 ~~Section 121022, by a laboratory shall be submitted electronically~~
28 ~~in a manner specified by the department. The department shall~~
29 ~~allow laboratories that receive incomplete patient information to~~
30 ~~report the name of the provider who submitted the request to the~~
31 ~~local health officer.~~

32 ~~(i) The department may, through its Internet Web site and via~~
33 ~~electronic mail, advise out-of-state laboratories that are known to~~
34 ~~the department to test specimens from California residents of the~~
35 ~~new reporting requirements.~~

36 ~~(j) To the extent allowed by law, the department may share the~~
37 ~~information gathered on antibiotic resistant infection with the~~
38 ~~federal CDCR.~~

39 ~~SEC. 2. No reimbursement is required by this act pursuant to~~
40 ~~Section 6 of Article XIII B of the California Constitution because~~

1 ~~the only costs that may be incurred by a local agency or school~~
2 ~~district will be incurred because this act creates a new crime or~~
3 ~~infraction, eliminates a crime or infraction, or changes the penalty~~
4 ~~for a crime or infraction, within the meaning of Section 17556 of~~
5 ~~the Government Code, or changes the definition of a crime within~~
6 ~~the meaning of Section 6 of Article XIII B of the California~~
7 ~~Constitution.~~

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