



Health Facility Compliance Guidance Letter

Number: GL 20-2000
Title: Health Care-Associated Infections (SB 384, 86 th R.S.)
Provider Types: Ambulatory Surgical Centers, Hospitals
Date Issued: June 5, 2020

1.0 Subject and Purpose

The purpose of this letter is to provide instruction regarding Senate Bill (SB) 384, relating to the reporting of health care-associated infections (HAIs) and preventable adverse events at health care facilities. This bill took effect September 1, 2019.

SB 384 amended Texas Health and Safety Code (HSC) Chapter 98 to align HHSC reporting requirements related to HAIs and preventable adverse events with Centers for Medicare and Medicaid Services reporting requirements. Under Texas Administrative Code (TAC) Title 25, hospitals¹ and ambulatory surgical centers (ASCs)² must report infections and preventable adverse events to HHSC.

This letter outlines provider responsibilities and expectations.

2.0 Policy Details & Provider Responsibilities

The rules at 25 TAC §§133.49 and 135.26 require hospitals and ASCs to comply with the reporting provisions of HSC Chapter 98, including those added by SB 384. The reporting requirements are found at 25 TAC Chapter 200, Reporting of Health Care-Associated Infections and Preventable

¹ [25 TAC § 133.49\(a\).](#)

² [25 TAC § 135.26\(e\).](#)

Adverse Events, Subchapter A, Control of Communicable Diseases. Hospitals are required to report HAIs to the Infectious Disease Prevention Section of the Texas Department of State Health Services (DSHS) through the National Healthcare Safety Network (NHSN) and the Texas Healthcare Safety Network (TxHSN). Hospitals must also continue to report incidents to HHSC Complaint and Incident Intake (CII).³

As of January 1, 2020, ASCs are no longer required to report HAIs to DSHS, but they must continue to report preventable adverse events and incidents to CII.

2.1 SB 384 Reportable Infections Requirements

SB 384 revised HSC Chapter 98 by amending Section 98.103. Reportable Infections, reprinted here for reference:

Sec. 98.103. REPORTABLE INFECTIONS. (a) A health care facility shall report to the department each health care-associated infection, including the causative pathogen if the infection is laboratory-confirmed, that occurs in the facility and that the federal Centers for Medicare and Medicaid Services requires a facility participating in the Medicare program to report through the federal Centers for Disease Control and Prevention's National Healthcare Safety Network, or its successor.

(a-1) A health care facility shall report each health care-associated infection to the department under this section regardless of the facility's participation in Medicare.

(b) Repealed by Acts 2019, 86th Leg., R.S., Ch. 512 (S.B. 384), Sec. 2(2), eff. September 1, 2019.

(c) Repealed by Acts 2019, 86th Leg., R.S., Ch. 512 (S.B. 384), Sec. 2(2), eff. September 1, 2019.

(d) The department shall ensure that the health care-associated infections a health care facility is required to report under this section have the meanings assigned by the federal Centers for Disease Control and Prevention.

³ Submission portal at [HHSC Complaint and Incident Intake](#)

(d-1) The executive commissioner by rule may designate the federal Centers for Disease Control and Prevention's National Healthcare Safety Network, or its successor, to receive reports of health care-associated infections from health care facilities on behalf of the department. A health care facility must file a report required in accordance with a designation made under this subsection in accordance with the National Healthcare Safety Network's definitions, methods, requirements, and procedures. A health care facility shall authorize the department to have access to facility-specific data contained in a report filed with the National Healthcare Safety Network in accordance with a designation made under this subsection.

(e) A report made under this section must specify whether the infection resulted in the death of the patient while hospitalized.

2.2 General Reporting Guidelines for Health Care-Associated Infection and Preventable Adverse Event Data

25 TAC Chapter 200 outlines reporting requirements for both hospitals and ASCs to help DSHS track data and control the spread of communicable diseases. Rule §200.2 is reprinted here for reference:

(a) All general hospitals and ambulatory surgical centers in operation during any part of a reporting quarter described in §200.1 of this title (relating to Definitions) shall submit HAI data, including whether the HAI contributed to a patient's death, and the death of a patient as specified in §§200.3 - 200.7 of this title (relating to How to Report; Which Events to Report; Data to Report; When to Initiate Reporting; and Schedule for HAI and PAE Reporting) to NHSN. PAE information as specified in §200.6 of this title shall be reported via the TxHSN portal or its successor.

(b) Facilities that fail to comply with reporting requirements are subject to the enforcement provisions of Texas Health and Safety Code, Chapter 98, Subchapter D.

(c) HAI or PAE data submission does not constitute the report of a disease as defined and required in Chapter 97 of this title (relating to Communicable Diseases).

(d) HAI, including whether the HAI contributed to a patient's death, or PAE data submission does not constitute annual events or incident reporting as defined in §133.49 of this title (relating to Reporting

Requirements), or §135.26 of this title (relating to Reporting Requirements).

(e) The facility shall ensure that the department has accurate email and phone information for a facility contact. The facility shall ensure that communications from the department are continuously monitored even if the position is vacant for any reason (vacation, illness, etc.).

3.0 Background/History

The purpose of SB 384 is to clarify reporting requirements for certain health care-associated infections at health care facilities by aligning the state's reporting requirements with federal requirements.

4.0 Resources

More details on HAIs and reporting requirements and instructions are available here:

https://www.dshs.texas.gov/idcu/health/infection_control/hai/

View SB 384 in its entirety here:

<https://capitol.texas.gov/tlodocs/86R/billtext/pdf/SB00384F.pdf>

View 25 TAC Chapter 200, Subchapter A in its entirety here:

[https://texreg.sos.state.tx.us/public/readtac\\$ext.ViewTAC?tac_view=5&ti=25&pt=1&ch=200&sch=A&rl=Y](https://texreg.sos.state.tx.us/public/readtac$ext.ViewTAC?tac_view=5&ti=25&pt=1&ch=200&sch=A&rl=Y)

5.0 Contact Information

If you have any questions about this letter, please contact the Policy, Rules, and Training Section by email at: HCQ_PRT@hhsc.state.tx.us.

Contact the DSHS Infectious Disease Prevention Section directly via email at feedback.IDCU@dshs.state.tx.us or by phone at (512) 776-7676.