

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1847 Session of  
2001

INTRODUCED BY DAILEY, VANCE, MANDERINO, WILT, ROSS, ARMSTRONG,  
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C. WILLIAMS, BUNT, TULLI, SCHRODER, THOMAS AND PETRARCA,  
JULY 11, 2001

REFERRED TO COMMITTEE ON HEALTH AND HUMAN SERVICES,  
JULY 11, 2001

AN ACT

1 Amending the act of July 8, 1986 (P.L.408, No.89), entitled, as  
2 reenacted and amended, "An act providing for the creation of  
3 the Health Care Cost Containment Council, for its powers and  
4 duties, for health care cost containment through the  
5 collection and dissemination of data, for public  
6 accountability of health care costs and for health care for  
7 the indigent; and making an appropriation," further providing  
8 for the powers and duties of the Health Care Cost Containment  
9 Council; and making an appropriation.

10 The General Assembly of the Commonwealth of Pennsylvania  
11 hereby enacts as follows:

12 Section 1. Section 3 of the act of July 8, 1986 (P.L.408,  
13 No.89), known as the Health Care Cost Containment Act, reenacted  
14 and amended June 28, 1993 (P.L.146, No.34), is amended by adding  
15 a definition to read:

16 Section 3. Definitions.

17 The following words and phrases when used in this act shall  
18 have the meanings given to them in this section unless the

1 context clearly indicates otherwise:

2 "Agency nurse." A registered nurse or a licensed practical  
3 nurse who is employed by a nurse staffing agency and is  
4 subcontracted by the hospital to provide health care services to  
5 supplement in-house nurse staffing pools in times of shortages.

6 \* \* \*

7 Section 2. Section 4(b) of the act is amended to read:

8 Section 4. Health Care Cost Containment Council.

9 \* \* \*

10 (b) Composition.--The council shall consist of [21] 22  
11 voting members, composed of and appointed in accordance with the  
12 following:

13 (1) The Secretary of Health.

14 (2) The Secretary of Public Welfare.

15 (3) The Insurance Commissioner.

16 (4) Six representatives of the business community, at  
17 least one of whom represents small business, who are  
18 purchasers of health care as defined in section 3, none of  
19 which is primarily involved in the provision of health care  
20 or health insurance, three of which shall be appointed by the  
21 President pro tempore of the Senate and three of which shall  
22 be appointed by the Speaker of the House of Representatives  
23 from a list of twelve qualified persons recommended by the  
24 Pennsylvania Chamber of Business and Industry. Three nominees  
25 shall be representatives of small business.

26 (5) Six representatives of organized labor, three of  
27 which shall be appointed by the President pro tempore of the  
28 Senate and three of which shall be appointed by the Speaker  
29 of the House of Representatives from a list of twelve  
30 qualified persons recommended by the Pennsylvania AFL-CIO.

1           (6) One representative of consumers who is not primarily  
2 involved in the provision of health care or health care  
3 insurance, appointed by the Governor from a list of three  
4 qualified persons recommended jointly by the Speaker of the  
5 House of Representatives and the President pro tempore of the  
6 Senate.

7           (7) One representative of hospitals, appointed by the  
8 Governor from a list of three qualified hospital  
9 representatives recommended by the Hospital Association of  
10 Pennsylvania. The representative under this paragraph may  
11 appoint two additional delegates to act for the  
12 representative only at meetings of committees, as provided  
13 for in subsection (f).

14           (8) One representative of physicians, appointed by the  
15 Governor from a list of three qualified physician  
16 representatives recommended jointly by the Pennsylvania  
17 Medical Society and the Pennsylvania Osteopathic Medical  
18 Society. The representative under this paragraph may appoint  
19 two additional delegates to act for the representative only  
20 at meetings of committees, as provided for in subsection (f).

21           (9) One representative of the Blue Cross and Blue Shield  
22 plans in Pennsylvania, appointed by the Governor from a list  
23 of three qualified persons recommended jointly by the Blue  
24 Cross and Blue Shield plans of Pennsylvania.

25           (10) One representative of commercial insurance  
26 carriers, appointed by the Governor from a list of three  
27 qualified persons recommended by the Insurance Federation of  
28 Pennsylvania, Inc.

29           (11) One representative of health maintenance  
30 organizations, appointed by the Governor from a list of three

1 qualified persons recommended by the Pennsylvania Association  
2 of Health Maintenance Organizations.

3 (11.1) One representative of advance practice nurses,  
4 specifically a nurse researcher, appointed by the Governor  
5 from a list of three qualified nurse representatives  
6 recommended by the Pennsylvania Board of Nursing. The  
7 representative under this paragraph may appoint two  
8 additional delegates to act for the representative only at  
9 meetings of committees, as provided for in subsection (f).

10 (12) In the case of each appointment to be made from a  
11 list supplied by a specified organization, it is incumbent  
12 upon that organization to consult with and provide a list  
13 which reflects the input of other equivalent organizations  
14 representing similar interests. Each appointing authority  
15 will have the discretion to request additions to the list  
16 originally submitted. Additional names will be provided not  
17 later than 15 days after such request. Appointments shall be  
18 made by the appointing authority no later than 90 days after  
19 receipt of the original list. If, for any reason, any  
20 specified organization supplying a list should cease to  
21 exist, then the respective appointing authority shall specify  
22 a new equivalent organization to fulfill the responsibilities  
23 of this act.

24 \* \* \*

25 Section 3. Section 5(d) of the act is amended by adding a  
26 paragraph to read:

27 Section 5. Powers and duties of the council.

28 \* \* \*

29 (d) General duties and functions.--The council is hereby  
30 authorized to and shall perform the following duties and

1 functions:

2 \* \* \*

3 (14) (i) Maintain and disseminate data on the level of  
4 patient safety and the quality of health care in this  
5 Commonwealth based upon data collected under section 6.

6 (ii) Produce an annual report with the facilities  
7 arranged by the following categories: 500 or more acute  
8 care beds, 350-499 acute care beds, 200-349 acute care  
9 beds, 150-199 acute care beds, 100-149 acute care beds,  
10 50-99 acute care beds, 49 or below acute care beds. The  
11 report shall include the current year's data as well as  
12 the four previous years' data.

13 Section 4. Section 6(f)(3) of the act is amended to read:

14 Section 6. Data submission and collection.

15 \* \* \*

16 (f) Other data required to be submitted.--Providers are  
17 hereby required to submit and the council is hereby authorized  
18 to collect, in accordance with submission dates and schedules  
19 established by the council, the following additional data,  
20 provided such data is not available to the council from public  
21 records:

22 \* \* \*

23 (3) Additional data, including, but not limited to, data  
24 which can be used to provide at least the following  
25 information:

26 (i) the incidence of medical and surgical procedures  
27 in the population for individual providers;

28 (ii) physicians who provide covered services and  
29 accept medical assistance patients;

30 (iii) physicians who provide covered services and

1 accept Medicare assignment as full payment;

2 (v) mortality rates for specified diagnoses and  
3 treatments, grouped by severity, for individual  
4 providers;

5 (vi) rates of infection for specified diagnoses and  
6 treatments, grouped by severity, for individual  
7 providers;

8 (vii) morbidity rates for specified diagnoses and  
9 treatments, grouped by severity, for individual  
10 providers;

11 (viii) readmission rates for specified diagnoses and  
12 treatments, grouped by severity, for individual  
13 providers; [and]

14 (ix) rate of incidence of postdischarge professional  
15 care for selected diagnoses and procedures, grouped by  
16 severity, for individual providers[.]; and

17 (x) level of patient safety and quality of health  
18 care:

19 (A) Patient data by unit level:

20 (I) medication errors;

21 (II) injury rate, such as, but not limited  
22 to, falls;

23 (III) nosocomial infections (e.g. those  
24 infections acquired in a hospital or ambulatory  
25 surgical facility);

26 (IV) pressure ulcers incurred during  
27 hospitalization; and

28 (V) patient's perception of satisfaction  
29 with care regarding pain management, educational  
30 information pertaining to their condition and

1           care requirements for discharge and overall care  
2           provided.

3           (B) Health care employee data:

4                 (I) Annual average of facility staffing mix  
5                 between certified registered nurse practitioners,  
6                 registered nurses, licensed practical nurses,  
7                 agency nurses, certified nursing assistants  
8                 (CNAs) and unlicensed assisting staff.

9                 (II) Annual average of inpatient care per  
10                intensive care unit, emergency room, cardiac care  
11                unit, neurology unit, surgical unit and any other  
12                unit staffing mix between certified registered  
13                nurse practitioners, registered nurses, licensed  
14                practical nurses, agency nurses, certified  
15                nursing assistants and unlicensed assisting  
16                staff.

17            (C) Total registered nurses' hours provided per  
18            patient day.

19            \* \* \*

20           Section 5. The sum of \$128,000 is hereby appropriated to the  
21   Health Care Cost Containment Council for the purpose of  
22   administering the provisions of this act.

23           Section 6. This act shall take effect in 90 days.