

## APIC-GD Advocacy Report – February 15 2008

### TB - Michigan/MIOSHA policy – N95 Annual fit-testing starts in new fiscal year

- The Fiscal year started October 1 without a signed FY08 budget, and President Bush finally signed the appropriations bill (HR 2764) funding the government on Dec 26, 2007. The budget no longer contains language forbidding use of federal dollars for annual fit testing enforcement. Due to prior uncertainty, APIC -GD had urged members last October to begin the change to annual fit-testing for TB immediately by updating policies and implementation plans for annual fit-testing. MIOSHA has the authority to enforce.
- ∞ **APIC National emailed a similar note to all chapters On Dec 27<sup>th</sup> to ensure APIC members were aware of the change**

### HAC-CMS and HAI-DRG impact effective October 1, 2008

- CMS has developed a special Web site on "Hospital-acquired conditions"(HAC) that provides an overview and detailed, pertinent information concerning the DRA implementation that CMS has termed: "**HAC-POA Indicators**" (POA). CMS held a "listening" session" Dec 17, 2007 re: POA issues and included questions submitted to CMS regarding future HAC and HAI measures.  
CMS began requiring the POA indicator on hospital claims beginning with discharges on or after January 1, 2008, but Medicare has accepted the POA indicator on October 1, 2007. Effective April 1, 2008, any claims submitted without the indicator will be returned to providers. This is an important and crucial testing period to see how well hospitals document and code HAC/HAI before the reimbursement action begins Oct 1 2008, based on this. Several sections provide specifics on the following:
  - Statute/regulations/Program instructions: Files of published regulations
  - Affected hospitals: List of all the exempted organizations
  - Reporting: Time schedule for reporting POA claims
  - Coding: Explanation of the POA codes for claims<http://www.premierinc.com/quality-safety/tools-services/safety/topics/guidelines/cms-guidelines-4-infection.jsp> or <http://www.cms.hhs.gov/HospitalAcqCond/>
- ∞ **APIC is planning a Webinar on this Feb 19<sup>th</sup>—Tom Valuck, CMS, Chesley Richards, CDC and Denise Murphy. APIC is also planning a major conference in September 2008. J Bartley is participating in the planning.**

### CMS – Ambulatory Surgery Centers- Newly proposed IC standards

- CMS has proposed a new standard on Conditions for Coverage (CfCs) for Ambulatory Surgery Centers published in a Federal Register Notice. The Infection Control Section is 416.51, beginning on page 8. APIC and SHEA developed comments through a joint task force of public policy members and were sent by the deadline, October 30, 2007. <http://a257.g.akamaitech.net/7/257/2422/01jan20071800/edocket.access.gpo.gov/2007/pdf/07-4148.pdf>
- ∞ **Nothing new on this issue—this will take a long time for comment analysis**

### State – Strategy for public reporting legislation

- Meeting of Keystone Advisory board members: Judene Bartley, Russ Olmsted and Tammy Lundstrom and Teri Lee Dyke met with MDCH Communicable Disease Division staff to discuss K-HAI, NHSN, public reporting and working together if legislators actively pursue HAI legislation now that the budget has been completed—for now.

- ∞ **Correspondence with some members suggests that it is worth repeating that while APIC is closely monitoring every state—so we have a backup on knowing if legislation is unexpectedly introduced -- we have a very close relationship with MHA Dave Finkbeiner, Sr VP Advocacy who alerts us of any HAI related legislation before it is introduced. Monitoring continues.**

### **FDA – UDI and medical devices**

- Congress has passed legislation that would require the FDA to create a "unique device identification"(UDI) system for medical devices. Hospitals agree that a UDI would assist with locating and tracking medical devices and enhance patient safety. Actual implementation will take a while—but the first major step has been completed.
- ∞ **APIC has been alerted by the Premier-led coalition that supporting letters are being sent to congress to ensure this does not get sidetracked doing budget negotiations**

### **NQF - HAI definitions for public reporting**

- NQF HAI definitions project. The NQF HAI definitions have been through the NQF Internal committees and are now posted on the NQF public site for voting by members. Voting was completed by Oct 23 but we have not received results—likely late December early 2008.
- ∞ **The election ballot results have been pulled back and are undergoing some additional scrutiny. No one is clear on what is occurring but the process is being monitored.**

### **CMS IC Standards - Infection Control Interpretive Guidelines (IG)**

- The CMS guidelines were published November 21, 2007 and the file is available on the MSIC Web site. You may also download the final version from the CMS website , <http://www.cms.hhs.gov/SurveyCertificationGenInfo/PMSR/list.asp#TopOfPage>

### **USP 797**

- Many of the changes recommended by a subcommittee that included APIC, MSIC and SHEA members were accepted. However, ventilation specifications for the pharmacy clean area remain highly controversial. There is agreement on the level of cleanliness for the "laminar air flow workbench" – but not the space immediately surrounding it. More comments will be available in the future. The final edition of USP-797 was published December 4, on the USP Web site. **The Joint Commission does not plan to change its position as published last year –ie, there must be a documented review of the standard – but there may be alternative ways to meet given standards.** Note as you download that it is a large 11MB file: <http://www.usp.org/USPNF/pf/generalChapter797.html>
- ∞ **Although the effective date is June 2008 there should be no major "enforcement" impact in Michigan since the State Board of Pharmacy does not enforce it. However TJC still requires its review as part of meeting medication standards. Nothing new.**

### **ABHR gels and foam update –dispenser distance from electrical outlet**

- **Michigan policy** On July 10, 2007, the Bureau of Fire Safety (BFS) went beyond CMS directives and defined dispenser adjacency in terms of distance. However, the BFS updated the policy again in October and changed the approach to a performance measure, stating that fire marshals would look for "any evidence of splashing of the ABHR on the ignition source to determine if it is too close. We are grateful for the input from many members including MDCH plan review staff and MISHE member, Tim Tinney who chairs the state committee providing input to fire regulations in Michigan. [http://www.michigan.gov/documents/cis/BFS\\_Policy\\_2-22\\_-\\_TIA\\_209717\\_7.pdf](http://www.michigan.gov/documents/cis/BFS_Policy_2-22_-_TIA_209717_7.pdf)

**TJC policy:** The NFPA, when updating the Life Safety Code (LSC) for 2009, will recommend setting a distance of 1 inch between the dispenser and the electrical source/outlet in order to get other states to modify their current requirement for 12 inches. This is not yet finalized--and is in discussion only. The Joint Commission (TJC) is aware of Michigan's policy change (ie, only look for evidence of ABHR splashing on the outlet--not a specific distance) as well as the upcoming possible change to 1 inch in 2009 LSC. Their approach during surveys is to look at what an institution is doing. If it is different from TJC recommendation of basically "4 inches" (6 inches from the center of the dispenser to the edge of the outlet) they would ask to see the organization's policy. They would look for *documentation* that the organization made a *risk assessment* and decided that for example, the state policy (or the 1" in anticipation of the 2009 LSC change) was appropriate and safe, and decided to go with X. ***All TJC needs is the organization's documented risk assessment.***

\*\*Note--TJC *is* interested in our MI policy and the debate with NFPA isn't over-- so no one yet knows what will be the final CMS or JC policy. In the meantime, this serves our needs.

Submitted by Judene Bartley, Chair, MSIC Advocacy Committee, Feb. 15 2008