

RULES AND REGULATIONS PERTAINING TO HOSPITAL DISCHARGE DATA SYSTEM

SECTION I. AUTHORITY.

The following Rules and Regulations pertaining to the Hospital Discharge Data System are duly adopted and promulgated by the Arkansas Board of Health pursuant to the authority expressly conferred by the State of Arkansas including, without limitation, Act 670 of 1995 (the Act), as amended, the same being Ark. Code Ann. § 20-7-301 et seq. The Act established the State Health Data Clearing House within the Arkansas Department of Health. The Clearing House is mandated by the Act to acquire and disseminate health care information in order to understand patterns and trends in the availability, use and costs of health care services in the state. Subsection (h) of the Act directs the Arkansas State Board of Health to prescribe and enforce such rules and regulations as may be necessary to carry out the purpose of this Act.

SECTION II. PURPOSE.

It is the purpose of these regulations to provide direction about the required collection, submission, management and dissemination of health data.

SECTION III. DEFINITIONS.

For the purposes of these Regulations, the following words and phrases when used herein shall be construed as follows:

- A. **"Act"** means the State Health Data Clearing House Act 670 of 1995, Ark. Code Ann. § 20-7-301 et seq;
- B. **"Aggregate data set"** means a compilation of raw data that has been subject to a critical edit check and consists of at least a small cell count. Aggregate data sets shall not include the following data elements: hospital control number; patient control number; attending physician number, or any element which might be used to identify an individual patient;
- C. **"Board" or "State Board"** means the Arkansas State Board of Health;
- D. **"Confidential information"** means that information which the State Board has defined to be confidential in these regulations and procedures;
- E. **"Department"** means the Arkansas Department of Health;
- F. **"Director"** means the director of the Arkansas Department of Health;
- G. **"Hospital"** means any institution, place, building or agency, public or private, whether organized for profit or not-for-profit, which is subject to licensure by the Arkansas Department of Health (Ark. Code Ann. § 20-9-201 et seq);
- H. **"Submit," "submission" or "submittal"** means, with respect to data, reports, surveys, statements and documents required to be filed with the Department: 1) delivery to the Arkansas Department of Health, by the close of business on the prescribed filing date, or 2) deposit with the United States Postal Service, postage prepaid, addressed to the Arkansas Department of Health, in sufficient time so that the mailed materials will arrive by the close of business on the prescribed filing date;

I. "**Guide**" means the Hospital Discharge Data Submittal Guide published by the Arkansas Department of Health. This Guide contains technical information relating to data format, media and submittal time frames.

SECTION IV. GENDER AND NUMBER.

All terms used in any one gender or number shall be construed to include any other gender or number.

SECTION V. HOSPITAL DISCHARGE DATA SUBMITTAL.

Each Arkansas hospital which performs activities meeting the definition of inpatient discharges, as set forth in the Guide, shall submit data to the Department in a manner that complies with the provisions of the Guide for all inpatient hospital discharges occurring on or after January 1, 1996.

SECTION VI. ADDITIONAL DATA REQUIRED TO BE SUBMITTED.

In addition to data prescribed for submission in the Guide, the following data must be submitted according to the schedule provided: Each hospital shall provide a complete and accurate copy of the American Hospital Association's Annual Survey to the Arkansas Department of Health or the Arkansas Hospital Association. The required submission date will be published annually with the distribution of the survey.

SECTION VII. EXTENSION OF TIME.

The State Board or the Director shall, upon a showing of good cause and if time permits, extend the time allowed for the performance of any function or duty required by the provisions of the Act or of these regulations and rules. In making any determination with regard to good cause, the Board and the Director shall give due consideration to all relevant facts and circumstances, including such considerations as the complexity of the issues or the existence of extraordinary circumstances or unforeseen events which have led to the request for an extension of time. The State Board or the Director shall act upon a request for an extension of time within thirty (30) days of receiving the written request by the hospital. Failure to act within thirty (30) days shall be deemed as a grant of the extension.

SECTION VIII. ACCESS TO AGGREGATE REPORTS.

All reports generated by the Department from the aggregate data set for a member of the general public are open for public inspection. The Department shall provide copies of these reports, upon request, at a cost of \$.25 per page. The Department shall determine fees to be charged to cover the direct and indirect costs for providing other information requests or special compilations from aggregate data sets. The fee shall include staff time, computer time, copying costs, postage and supplies.

SECTION IX. PENALTIES FOR NON-COMPLIANCE.

Ark. Code Ann. § 20-7-301 et seq. sets forth civil and criminal penalties for non-compliance with provisions of the Act and of rules and regulations adopted by the Arkansas State Board of Health to implement the Act, as follows:

A. Any person, firm, corporation, organization or institution that violates any of the provisions of Ark. Code Ann. § 20-7-301 et seq., or any rules or regulations promulgated

thereunder, regarding confidentiality of information, shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than one hundred dollars (\$100) nor more than (\$500), or by imprisonment not exceeding one month, or both. Each day of violation shall constitute a separate offense.

B. Any person, firm, corporation, organization or institution knowingly violating any of the provisions of Ark. Code Ann. § 20-7-301 et seq., or any rules or regulations promulgated thereunder, shall be guilty of a misdemeanor and, upon a plea of guilty, a plea of nolo contendere or conviction, shall be fined not more than five hundred dollars (\$500).

C. Every person, firm, corporation, organization or institution that violates any of the rules or regulations adopted by the Arkansas State Board of Health or that violates any provision of Act 670 may be assessed a civil penalty by the Board. The penalty shall not exceed two hundred fifty dollars (\$250) for each violation. No civil penalty may be assessed until the person charged with the violation has been given the opportunity for a hearing on the violation pursuant to the Arkansas Administrative Procedure Act, Ark. Code Ann. § 25-15-101, et seq.

SECTION X. HEARING AND APPEAL.

Hearings and appeals will be conducted according to the Adjudication and Rule Making Sections of the Department's Administrative Procedures previously promulgated by the Department, and any revisions thereto.

SECTION XI. MAINTENANCE OF REGULATIONS AND PROCEDURES.

All pages of these regulations and rules, and of the Hospital Discharge Data Submittal Guide, issued by the Department are dated at the bottom. As changes occur, replacement pages will be issued. All replacement pages will be dated so that users may be certain they are referring to the most recent information.

SECTION XII. INCORPORATION BY REFERENCE.

The following documents are hereby incorporated by reference:

A. The most recent edition of the International Classification of Diseases, Clinical Modifications. Copies are available from the World Health Organization, P.O. Box 5284, Church Street Station, New York, New York 10249.

B. Uniform Hospital Billing Form 1992 (UB92/HCFA-1450). Copies are available from the Office of Public Affairs, Health Care Financing Administration, Humphrey Building, Room 428-H, 200 Independence Avenue S.W., Washington, D.C. 20201. All incorporated material is available for public review at the central administrative office of the Department.

SECTION XIII. SEVERABILITY.

If any provision of these Rules and Regulations or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of these Rules and Regulations which can give effect without the invalid provisions or applications, and to this end the provisions hereto are declared severable.

SECTION XIV. REPEAL.

All regulations and parts of regulations in conflict herewith are hereby repealed.

CERTIFICATION

This will certify that the foregoing Rules and Regulations for the Hospital Discharge Data System were adopted by the Arkansas Board of Health at a regular session of the Board held in Little Rock Arkansas, on the 24th day of July, 1997.

Secretary, Arkansas Board of Health

The foregoing Rules and Regulations, copy having been filed in my office, are hereby approved on this 18th day of August, 1997.

Governor