

105TH CONGRESS
2^D SESSION

S. 2056

To amend title XVIII of the Social Security Act and title 38, United States Code, to require hospitals to use only hollow-bore needle devices that minimize the risk of needlestick injury to health care workers.

IN THE SENATE OF THE UNITED STATES

MAY 8, 1998

Mr. REID introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To amend title XVIII of the Social Security Act and title 38, United States Code, to require hospitals to use only hollow-bore needle devices that minimize the risk of needlestick injury to health care workers.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Health Care Worker
5 Protection Act of 1998”.

1 **SEC. 2. USE OF DESIGNATED HOLLOW-BORE NEEDLE DE-**
2 **VICES BY HOSPITALS UNDER THE MEDICARE**
3 **PROGRAM.**

4 (a) **CONDITION OF PARTICIPATION.**—Section
5 1866(a)(1) of the Social Security Act (42 U.S.C.
6 1395cc(a)(1)), as amended by section 4321(b) of the Bal-
7 anced Budget Act of 1997, is amended—

8 (1) by adding a semicolon at the end of sub-
9 paragraph (R);

10 (2) by striking the period at the end of sub-
11 paragraph (S) and inserting “; and”; and

12 (3) by inserting after subparagraph (S) the fol-
13 lowing new subparagraph:

14 “(T) except as provided in paragraph (4), in
15 the case of a hospital or a critical access hospital,
16 to use, when furnishing services to individuals
17 through the use of a hollow-bore needle device, only
18 such a device designated by the Commissioner of
19 Food and Drugs, under section 4 of the Health Care
20 Worker Protection Act of 1998, as minimizing the
21 risk of needlestick injury to health care workers.”.

22 (b) **EXCEPTIONS AUTHORITY.**—Section 1866(a) of
23 such Act (42 U.S.C. 1395cc(a)) is amended by adding at
24 the end the following new paragraph:

25 “(4) The Secretary may waive the requirement under
26 paragraph (1)(T)—

1 “(A) with respect to services furnished by a
2 critical access hospital,

3 “(B) in the case of an act of self-administration
4 of such services, and

5 “(C) in such other cases as the Secretary deter-
6 mines appropriate.”.

7 (c) EFFECTIVE DATE.—The amendments made by
8 subsections (a) and (b) shall apply to hospitals for services
9 furnished through the use of a hollow-bore needle device
10 on or after the first day of the fourth month that begins
11 after the date on which the Commissioner of Food and
12 Drugs designates classes of hollow-bore needle devices
13 under section 4.

14 **SEC. 3. USE OF DESIGNATED HOLLOW-BORE NEEDLE DE-**
15 **VICES IN VETERANS HOSPITALS.**

16 (a) IN GENERAL.—Section 7311 of title 38, United
17 States Code, is amended—

18 (1) in subsection (b), by striking paragraph (3);

19 (2) by striking subsection (d);

20 (3) by redesignating subsection (e) as sub-
21 section (d); and

22 (4) by adding at the end the following new sub-
23 section:

24 “(e)(1) As part of the quality-assurance program, the
25 Under Secretary for Health shall ensure that the Depart-

1 ment in the provision of hospital care under this title uses,
 2 when furnishing services to individuals through the use of
 3 a hollow-bore needle device, only such a device designated
 4 by the Commissioner of Food and Drugs, under section
 5 4 of the Health Care Worker Protection Act of 1998, as
 6 minimizing the risk of needlestick injury to health care
 7 workers.

8 “(2) The Under Secretary may waive the requirement
 9 under paragraph (1) in the case of an act of self-adminis-
 10 tration of such services, and in such other cases as the
 11 Secretary determines appropriate.”.

12 (b) EFFECTIVE DATE.—The amendments made by
 13 subsection (a) shall apply with respect to the provision of
 14 hospital care under such title furnished through the use
 15 of a hollow-bore needle device on or after the first day
 16 of the fourth month that begins after the date on which
 17 the Commissioner of Food and Drugs designates classes
 18 of hollow-bore needle devices under section 4.

19 **SEC. 4. DESIGNATION OF CLASSES OF HOLLOW-BORE NEE-**
 20 **DLE DEVICES THAT MINIMIZE RISK OF**
 21 **NEEDLESTICK INJURY.**

22 (a) DESIGNATION OF CLASSES OF DEVICES.—

23 (1) INITIAL DESIGNATION.—Not later than 1
 24 year after the date of the enactment of this Act, the
 25 Commissioner of Food and Drugs, in consultation

1 with the advisory council described in subsection (b),
2 shall designate classes of hollow-bore needle devices
3 that minimize the risk of needlestick injury (as de-
4 fined in subsection (c)).

5 (2) SUBSEQUENT DESIGNATION.—The Commis-
6 sioner, in consultation with the advisory council de-
7 scribed in subsection (b), shall periodically review
8 and update classes of hollow-bore needle devices de-
9 scribed in paragraph (1).

10 (b) ADVISORY COUNCIL DESCRIBED.—The advisory
11 council described in this subsection is an advisory council
12 established by the Commissioner and comprised of such
13 representatives from consumer groups, health care work-
14 ers (including at least one practicing registered nurse),
15 and technical experts as the Commissioner determines ap-
16 propriate.

17 (c) NEEDLESTICK INJURY DEFINED.—For purposes
18 of this Act, the term “needlestick injury” means the par-
19 enteral introduction into the body of a health care worker
20 of blood or other potentially infectious material by a hol-
21 low-bore needle device during the performance of duties
22 of such worker.

23 **SEC. 5. EDUCATION AND TRAINING.**

24 (a) IN GENERAL.—The Secretary of Health and
25 Human Services shall provide for such education and

1 training in the use of hollow-bore needle devices des-
2 igned by the Commissioner of Food and Drugs under
3 section 4, as the Secretary determines appropriate.

4 (b) AUTHORIZATION OF APPROPRIATION.—There are
5 authorized to be appropriated \$5,000,000, to remain avail-
6 able until expended, to carry out the education and train-
7 ing described in subsection (a).

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