

**Title 20. Public Health and Welfare**

**Chapter I. Generally, Department of Health**

**Subchapter B. Health Facilities**

**Part 52. Rules Pertaining to Hospital Discharge Data System**

**Codification Notes.** This part as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"SECTION I. AUTHORITY.

The following Rules 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 as may be necessary to carry out the purpose of this Act."

"CERTIFICATION

This will certify that the foregoing Rules 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 26th day of January , 2012.

\_\_\_\_\_ Secretary, Arkansas Board of Health:

**Subpart 1. Generally**

**20 CAR § 52-101. Purpose.**

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

**Authority.** Arkansas Code § 20-7-305.

**20 CAR § 52-102. Definitions.**

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

(1) "Act" means the State Health Data Clearinghouse Act, Acts 1995, No. 670, Arkansas Code § 20-7-301 et seq.;

(2)(A) "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.

(B) Aggregate data sets shall not include the following data elements:

(i) Hospital control number;

(ii) Patient control number;

(iii) Attending physician number; or

(iv) Any element which might be used to identify an individual patient;

(3) "Board" or "State Board" means the State Board of Health;

(4) "Confidential information" means that information which the State Board of Health has defined to be confidential in these rules and procedures;

(5) "Department" means the Department of Health;

(6)(A) "Guide" or "Guides" means the Hospital Discharge Data Submittal Guides published by the Department of Health.

(B) The guides contain technical information relating to:

(i) Data format;

(ii) Media; and

(iii) Submittal time frames;

(7) "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 Department of Health (Arkansas Code § 20-9-201 et seq.);

(8) "Secretary" means the Secretary of the Department of Health; and

(9) "Submit", "submission", or "submittal" means, with respect to data, reports, surveys, statements, and documents required to be filed with the Department of Health:

(A) Delivery to the Department of Health, by the close of business on the prescribed filing date; or

(B) 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.

**Authority.** Arkansas Code § 20-7-305.

**20 CAR § 52-103. Gender and number.**

All terms used in any one (1) gender or number shall be construed to include any other gender or number.

**Authority.** Arkansas Code § 20-7-305.

**20 CAR § 52-104. Hospital discharge data submittal.**

Each Arkansas hospital shall submit patient data to the Department of Health in a manner that complies with the provisions of the guide or guides, which includes all:

- (1) Inpatient hospital discharges occurring on or after January 1, 1996; and
- (2) Emergency department discharges on or after January 1, 2012.

**Authority.** Arkansas Code § 20-7-305.

**20 CAR § 52-105. Additional data required to be submitted.**

(a)(1) In addition to data prescribed for submission in the guide or guides, the following data must be submitted according to the schedule provided.

(2) Each hospital shall provide a complete and accurate copy of the American Hospital Association's Annual Survey to the Department of Health or the Arkansas Hospital Association, Inc.

(b) The required submission date will be published annually with the distribution of the survey.

**Authority.** Arkansas Code § 20-7-305.

**20 CAR § 52-106. Extension of time.**

(a)(1) The State Board of Health or the Secretary of the Department of Health 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 State Health Data Clearinghouse Act, Arkansas Code § 20-7-301 et seq., or of this part.

(2) In making any determination with regard to good cause, the board and the secretary 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.

(b)(1) The board or the secretary shall act upon a request for an extension of time within thirty (30) days of receiving the written request by the hospital.

(2) Failure to act within thirty (30) days shall be deemed as a grant of the extension.

**Authority.** Arkansas Code § 20-7-305.

**20 CAR § 52-107. Authorized use of data.**

(a) Information reported to the Department of Health shall not be disclosed except as authorized by the Arkansas law.

(b) See Arkansas Code § 20-7-305, as amended.

**Authority.** Arkansas Code § 20-7-305.

**20 CAR § 52-108. Access to aggregate reports.**

(a)(1) All reports generated by the Department of Health from the aggregate data set for a member of the general public are open for public inspection.

(2) The department shall provide copies of these reports, upon request, at a cost of twenty-five cents (25¢) per page.

(b)(1) 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.

(2) The fee shall include:

- (A) Staff time;
- (B) Computer time;
- (C) Copying costs;
- (D) Postage; and
- (E) Supplies.

**Authority.** Arkansas Code § 20-7-305.

**20 CAR § 52-109. Penalties for noncompliance.**

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

(1)(A) Any person, firm, corporation, organization, or institution that violates any of the provisions of Arkansas Code § 20-7-301 et seq., or any rules 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 (1) month, or both.

(B) Each day of violation shall constitute a separate offense;

(2) Any person, firm, corporation, organization, or institution knowingly violating any of the provisions of Arkansas Code § 20-7-301 et seq., or any rules 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); and

(3)(A) Every person, firm, corporation, organization, or institution that violates any of the rules adopted by the State Board of Health or that violates any provision of Acts 1995, No. 670 may be assessed a civil penalty by the board.

(B) The penalty shall not exceed two hundred fifty dollars (\$250) for each violation.

(C) 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, Arkansas Code § 25-15-201 et seq.

**Authority.** Arkansas Code §§ 20-7-305, 20-7-307.

### **20 CAR § 52-110. Hearing and appeal.**

Hearings and appeals will be conducted according to the Adjudication and Rule Making sections of the Department of Health's administrative procedures previously promulgated by the department and any revisions thereto.

**Authority.** Arkansas Code § 20-7-305.

### **20 CAR § 52-111. Maintenance of rules and procedures.**

(a) All pages of this part, and of the Hospital Discharge Data Submittal Guide or Guides, issued by the Department of Health are dated at the bottom.

(b)(1) As changes occur, replacement pages will be issued or replacement guides will be issued.

(2) All replacement pages will be dated so that users may be certain they are referring to the most recent information.

**Authority.** Arkansas Code § 20-7-305.

**20 CAR § 52-112. Incorporation by reference.**

(a) The following documents are hereby incorporated by reference:

(1)(A) The most recent edition of the International Classification of Diseases, Clinical Modifications.

(B) Copies are available from the National Center for Health Statistics, 3311 Toledo Road, Hyattsville, Maryland 20782 or website, [www.cdc.gov/nchs/icd.htm](http://www.cdc.gov/nchs/icd.htm); and

(2)(A) Uniform Hospital Billing Form 2004 (UB04/CMS-1450).

(B) Copies are available from the Office of Public Affairs, Center for Medicare and Medicaid Services, Humphrey Building, Room 428-H, 200 Independence Avenue S.W., Washington D.C. 20201 or website, [www.cms.hhs.gov/cmsforms/](http://www.cms.hhs.gov/cmsforms/).

(b) All incorporated material is available for public review at the central administrative office of the Department of Health.

**Authority.** Arkansas Code § 20-7-305.

**20 CAR § 52-113. Severability.**

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

**Authority.** Arkansas Code § 20-7-305.

**20 CAR § 52-114. Repeal.**

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

**Authority.** Arkansas Code § 20-7-305.