

105TH CONGRESS  
1ST SESSION

# H. R. 2754

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.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 28, 1997

Mr. STARK (for himself, Mr. WAXMAN, Mr. BROWN of Ohio, Mr. LEWIS of Georgia, Mr. MATSUI, Mr. McDERMOTT, Mr. MANTON, Mr. DELLUMS, Mr. FROST, Mr. MARTINEZ, Mr. LANTOS, Mr. NADLER, Ms. SLAUGHTER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. THOMPSON, Ms. WOOLSEY, Mr. GUTIERREZ, Mr. FATTAH, Mr. KENNEDY of Rhode Island, Mrs. MCCARTHY of New York, Mr. SANDLIN, Ms. KILPATRICK, and Mr. LOBIONDO) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committees on Veterans' Affairs, and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Health Care Worker  
3 Protection Act of 1997”.

4 **SEC. 2. USE OF DESIGNATED HOLLOW-BORE NEEDLE DE-**  
5 **VICES BY HOSPITALS UNDER THE MEDICARE**  
6 **PROGRAM.**

7 (a) **CONDITION OF PARTICIPATION.**—Section  
8 1866(a)(1) of the Social Security Act (42 U.S.C.  
9 1395cc(a)(1)), as amended by section 4321(b) of the Bal-  
10 anced Budget Act of 1997, is amended—

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

13 (2) by inserting after subparagraph (S), the fol-  
14 lowing new subparagraph:

15 “(T) except as provided in paragraph (4), in  
16 the case of a hospital or a critical access hospital,  
17 to use, when furnishing services to individuals  
18 through the use of a hollow-bore needle device, only  
19 such a device designated by the Commissioner of  
20 Food and Drugs, under section 4 of the Health Care  
21 Worker Protection Act of 1997, as minimizing the  
22 risk of needlestick injury to health care workers.”.

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

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

3 “(A) with respect to services furnished by a  
4 critical access hospital,

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

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

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

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

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

20 (1) in subsection (b), by striking out paragraph  
21 (3);

22 (2) by striking out subsection (d);

23 (3) by redesignating subsection (e) as sub-  
24 section (d); and

1           (4) by adding at the end the following new sub-  
2           section:

3           “(e)(1) As part of the quality-assurance program, the  
4   Under Secretary for Health shall ensure that the Depart-  
5   ment in the provision of hospital care under this title uses,  
6   when furnishing services to individuals through the use of  
7   a hollow-bore needle device, only such a device designated  
8   by the Commissioner of Food and Drugs, under section  
9   4 of the Health Care Worker Protection Act of 1997, as  
10   minimizing the risk of needlestick injury to health care  
11   workers.

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

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

1 **SEC. 4. DESIGNATION OF CLASSES OF HOLLOW-BORE NEE-**  
2 **DLE DEVICES THAT MINIMIZE RISK OF**  
3 **NEEDLESTICK INJURY.**

4 (a) DESIGNATION OF CLASSES OF DEVICES.—

5 (1) INITIAL DESIGNATION.—Not later than 1  
6 year after the date of the enactment of this Act, the  
7 Commissioner of Food and Drugs, in consultation  
8 with the advisory council described in subsection (b),  
9 shall designate classes of hollow-bore needle devices  
10 that minimize the risk of needlestick injury (as de-  
11 fined in subsection (c)).

12 (2) SUBSEQUENT DESIGNATION.—The Commis-  
13 sioner, in consultation with the advisory council de-  
14 scribed in subsection (b), shall periodically review  
15 and update classes of hollow-bore needle devices de-  
16 scribed in paragraph (1).

17 (b) ADVISORY COUNCIL DESCRIBED.—The advisory  
18 council described in this subsection is an advisory council  
19 established by the Commissioner and comprised of such  
20 representatives from consumer groups, health care work-  
21 ers (including at least one practicing registered nurse),  
22 and technical experts as the Commissioner determines ap-  
23 propriate.

24 (c) NEEDLESTICK INJURY DEFINED.—For purposes  
25 of this Act, the term “needlestick injury” means the par-  
26 enteral introduction into the body of a health care worker

1 of blood or other potentially infectious material by a hol-  
2 low-bore needle device during the performance of duties  
3 of such worker.

4 **SEC. 5. EDUCATION AND TRAINING.**

5 (a) IN GENERAL.—The Secretary of Health and  
6 Human Services shall provide for such education and  
7 training in the use of hollow-bore needle devices des-  
8 ignated by the Commissioner of Food and Drugs under  
9 section 4, as the Secretary determines appropriate.

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

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