

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 195

Introduced by Gay, 14.

Read first time January 12, 2009

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to the Statewide Trauma System Act; to amend
2 sections 71-8205, 71-8207, 71-8208, 71-8210, 71-8216,
3 71-8218, 71-8222, 71-8230, 71-8232, 71-8234, 71-8235,
4 71-8237, 71-8240, 71-8242, 71-8243, 71-8244, 71-8245,
5 71-8246, 71-8247, and 71-8248, Reissue Revised Statutes
6 of Nebraska, and section 71-8239, Revised Statutes
7 Cumulative Supplement, 2008; to redefine and eliminate
8 terms; to change duties of the State Trauma Advisory
9 Board; to provide and change powers and duties of
10 the Department of Health and Human Services; to change
11 provisions relating to designation, agreements, reviews,
12 the regional trauma system, a quality assurance program,
13 and the statewide trauma registry; to repeal the original
14 sections; and to outright repeal section 71-8223, Reissue

1 Revised Statutes of Nebraska.

2 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 71-8205, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 71-8205 Advanced level trauma center means a trauma
4 center which, in addition to providing all of the services provided
5 by basic level and general level trauma centers, also provides
6 definitive care for complex and severe trauma, an emergency
7 trauma team available within fifteen minutes, twenty-four hours
8 per day, inhouse operating room personnel who initiate surgery,
9 a neurosurgeon available who provides neurological assessment
10 and stabilization, a broad range of specialists available ~~within~~
11 ~~fifteen minutes or less~~ for consultation or care, comprehensive
12 diagnostic capabilities and support equipment, and appropriate
13 equipment for pediatric trauma patients in the emergency
14 department, intensive care unit, and operating room.

15 Sec. 2. Section 71-8207, Reissue Revised Statutes of
16 Nebraska, is amended to read:

17 71-8207 Basic level trauma center means a trauma center
18 which has a trauma-trained physician, advanced practice registered
19 nurse, or physician assistant available within ~~fifteen~~ thirty
20 minutes to provide stabilization and transfer to a higher level
21 trauma center when appropriate, which has basic equipment for
22 resuscitation and stabilization, which maintains appropriate
23 equipment for pediatric trauma patients for resuscitation and
24 stabilization, and which may provide limited surgical intervention
25 based upon the expertise of available onsite staff.

1 Sec. 3. Section 71-8208, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 71-8208 Communications system means a ~~radio and landline~~
4 any network which provides rapid public access, coordinated central
5 dispatching of services, and coordination of personnel, equipment,
6 and facilities in the trauma system.

7 Sec. 4. Section 71-8210, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 71-8210 Comprehensive level trauma center means a trauma
10 center which (1) provides (a) the highest level of definitive,
11 comprehensive care for patients with complex traumatic injury and
12 (b) an emergency trauma team available within fifteen minutes,
13 twenty-four hours per day, including inhouse, of immediately
14 available personnel who can initiate surgery and appropriate
15 equipment for pediatric trauma patients in the emergency
16 department, intensive care unit, and operating room, and (2) is
17 responsible for research, education, and outreach programs for
18 trauma.

19 Sec. 5. Section 71-8216, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 71-8216 Emergency medical services and trauma plan
22 means the statewide plan that identifies statewide emergency
23 medical service and trauma care objectives and priorities and
24 identifies equipment, facilities, personnel, training, and other
25 needs required to create and maintain the statewide trauma system

1 established in section 71-8239. Emergency medical services and
2 trauma plan also includes a plan of implementation that identifies
3 the state and regional activities that will create, operate,
4 maintain, and enhance the system. The plan shall be formulated
5 by incorporating the regional trauma plans required under the
6 Statewide Trauma System Act. The plan shall be updated every ~~two~~
7 five years.

8 Sec. 6. Section 71-8218, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 71-8218 General level trauma center means a trauma
11 center that (1) provides initial evaluation and stabilization,
12 including surgical stabilization if appropriate, and general
13 medical and surgical inpatient services to patients who can be
14 maintained in a stable or improving condition without specialized
15 care, (2) prepares for transfer and transfers patients meeting
16 predetermined criteria pursuant to the rules and regulations
17 adopted under the Statewide Trauma System Act to higher level
18 trauma centers, (3) is physician directed within a formally
19 organized trauma team, (4) provides trauma-trained physicians and
20 nurses to the emergency department within ~~fifteen~~ thirty minutes of
21 notification, (5) has personnel available who can initiate surgery,
22 (6) has appropriate diagnostic capabilities and equipment, and (7)
23 maintains appropriate equipment for pediatric trauma patients in
24 the emergency department, intensive care unit, and operating room.

25 Sec. 7. Section 71-8222, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2 71-8222 On-line ~~medical controller~~ physician or qualified
3 physician surrogate means a physician or a qualified physician
4 surrogate, preferably within the region, who is ~~in contact with~~
5 ~~the on-scene medical director~~ providing medical direction to the
6 emergency medical service providing life support and stabilization
7 and includes interfacility or intrafacility transfer and bypass to
8 a higher level trauma center.

9 Sec. 8. Section 71-8230, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 71-8230 Specialty level burn or pediatric trauma center
12 means a trauma center that (1) provides specialized care in the
13 areas of burns or pediatrics, (2) is designated or verified by its
14 professional association governing body, (3) provides continuous
15 accessibility regardless of day, season, or patient's ability to
16 pay, and (4) has entry access from each of the designation levels
17 as its on-line ~~medical controller~~ physician or qualified physician
18 surrogate deems appropriate.

19 Sec. 9. Section 71-8232, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 71-8232 Trauma means a ~~major~~ single-system or multisystem
22 injury requiring immediate medical or surgical intervention or
23 treatment to prevent death or permanent disability. ~~For purposes of~~
24 ~~this section, major has the definition of the American Society for~~
25 ~~Testing and Materials.~~

1 Sec. 10. Section 71-8234, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 71-8234 Trauma team means a team of physicians, nurses,
4 medical technicians, and ~~specialists~~ other personnel compiled to
5 create a seamless response to a ~~medical emergency~~ an acutely
6 injured patient in a hospital emergency ~~room~~ department.

7 Sec. 11. Section 71-8235, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 71-8235 Trauma system means an organized approach
10 to providing care to trauma patients that provides personnel,
11 facilities, and equipment for effective and coordinated trauma
12 care. The trauma system shall identify facilities with specific
13 capabilities to provide care and provide that trauma patients be
14 treated at a designated trauma center appropriate to the patient's
15 level of injury. Trauma system includes prevention, prehospital or
16 out-of-hospital care, hospital care, and rehabilitative services
17 regardless of insurance carrier or ability to pay. ~~The trauma~~
18 ~~system shall not restrict transfers for rehabilitative services.~~

19 Sec. 12. Section 71-8237, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 71-8237 The State Trauma Advisory Board shall:

22 (1) Advise the department regarding trauma care needs
23 throughout the state;

24 (2) Advise the Board of Emergency Medical Services
25 regarding trauma care to be provided throughout the state by

1 out-of-hospital and emergency medical services;

2 (3) Review the regional trauma plans and recommend
3 changes to the department before the department adopts the plans;

4 (4) Review proposed departmental rules and regulations
5 for trauma care;

6 (5) Recommend modifications in rules regarding trauma
7 care; and

8 (6) Draft a ~~two-year~~ five-year statewide prevention plan
9 that each trauma care region shall implement.

10 Sec. 13. Section 71-8239, Revised Statutes Cumulative
11 Supplement, 2008, is amended to read:

12 71-8239 (1) The department, in consultation with and
13 having solicited the advice of the State Trauma Advisory Board,
14 shall establish and maintain the statewide trauma system.

15 (2) The department, with the advice of the board, shall
16 adopt and promulgate rules and regulations to carry out the
17 Statewide Trauma System Act.

18 (3) The Director of Public Health or his or her designee
19 shall appoint the state trauma medical director and the regional
20 medical directors.

21 Sec. 14. Section 71-8240, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 71-8240 The department shall establish and maintain the
24 following on a statewide basis:

25 (1) ~~By February 1998, trauma~~ Trauma system objectives and

1 priorities;

2 (2) ~~By March 1998, minimum~~ Minimum trauma standards
3 for facilities, equipment, and personnel for advanced, basic,
4 comprehensive, and general level trauma centers and specialty level
5 burn or pediatric trauma centers;

6 (3) ~~By March 1998, minimum~~ Minimum standards for
7 facilities, equipment, and personnel for advanced, basic, and
8 general level rehabilitation centers;

9 (4) ~~By April 1998, minimum~~ Minimum trauma standards for
10 the development of facility patient care protocols;

11 (5) ~~By April 1998, trauma~~ Trauma care regions as provided
12 for in section 71-8250;

13 (6) ~~By September 1998, recommendations~~ Recommendations
14 for an effective trauma transportation system;

15 (7) ~~By September 1998, the~~ The minimum number of
16 hospitals and health care facilities in the state and within
17 each trauma care region that may provide designated trauma care
18 services based upon approved regional trauma plans;

19 (8) ~~By September 1998, the~~ The minimum number of
20 prehospital or out-of-hospital care providers in the state and
21 within each trauma care region that may provide trauma care
22 services based upon approved regional trauma plans;

23 (9) ~~By September 1998, a~~ A format for submission of the
24 regional trauma plans to the department;

25 (10) ~~By December 1998, a~~ A program for emergency medical

1 services and trauma care research and development;

2 (11) ~~By December 1998, review~~ Review and approve regional
3 trauma plans;

4 (12) ~~By January 2000, the~~ The initial designation of
5 hospitals and health care facilities to provide designated trauma
6 care services in accordance with needs identified in the approved
7 regional trauma plan; and

8 (13) ~~By April 2000, the~~ The trauma implementation plan
9 incorporating the regional trauma plans, ~~and~~

10 ~~(14) On or before January 1, 2002, all emergency medical~~
11 ~~services when responding to a trauma call shall have access to an~~
12 ~~on-line medical controller, which could be the physician medical~~
13 ~~director, available twenty-four hours a day, seven days a week.~~

14 Sec. 15. Section 71-8242, Reissue Revised Statutes of
15 Nebraska, is amended to read:

16 71-8242 ~~By December 1998, the~~ The department shall:

17 (1) Purchase and maintain the statewide trauma registry
18 pursuant to section 71-8248 to assess the effectiveness of trauma
19 delivery and modify standards and other requirements of the
20 statewide trauma system, to improve the provision of emergency
21 medical services and trauma care;

22 (2) Develop patient outcome measures to assess the
23 effectiveness of trauma care in the system;

24 (3) Develop standards for regional trauma care quality
25 assurance programs; and

1 (4) ~~Begin coordination and development of~~ Coordinate and
2 develop trauma prevention and education programs.

3 The department shall administer funding allocated to the
4 department for the purpose of creating, maintaining, or enhancing
5 the statewide trauma system.

6 Sec. 16. Section 71-8243, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 71-8243 Designated trauma centers and rehabilitation
9 centers that receive trauma patients shall be categorized according
10 to designation under the Statewide Trauma System Act. All levels
11 of centers shall ~~have agreements for transfer with higher-level~~
12 ~~and lower-level centers,~~ follow federal regulation guidelines and
13 established referral patterns, as appropriate, to facilitate a
14 seamless patient-flow system.

15 Sec. 17. Section 71-8244, Reissue Revised Statutes of
16 Nebraska, is amended to read:

17 71-8244 Any hospital, facility, rehabilitation center,
18 or specialty level burn or pediatric trauma center that desires
19 to be a designated center shall request designation from the
20 department whereby each agrees to maintain a level of commitment
21 and resources sufficient to meet responsibilities and standards
22 required by the statewide trauma system. The ~~and to~~ have an
23 ~~on-line medical controller available to out-of-hospital emergency~~
24 ~~medical services twenty-four hours a day, seven days a week.~~
25 ~~By December 1998,~~ the department shall determine by rule and

1 regulation the manner and form of such requests. Upon receiving
2 a request, the department shall review the request to determine
3 whether there is compliance with standards for the trauma care
4 level for which designation is desired or whether the appropriate
5 governing body verification documentation has been submitted. Any
6 hospital, facility, rehabilitation center, or specialty level burn
7 or pediatric trauma center which ~~meets such standards~~ submits such
8 verification documentation shall be designated by the department
9 and shall be included in the trauma system or plan established
10 under the Statewide Trauma System Act. Any medical facility
11 applying for designation may appeal its designation. The appeal
12 shall be in accordance with the Administrative Procedure Act.

13 Designation is valid for a period of four years and is
14 renewable upon receipt of a request from the medical facility for
15 renewal prior to expiration. Any medical facility that is currently
16 verified by ~~the American College of Surgeons~~ its governing body
17 shall be designated at the corresponding level of designation for
18 the same time period in Nebraska without the necessity of an onsite
19 review by the department. Regional trauma advisory boards shall
20 be notified promptly of designated medical facilities in their
21 region so they may incorporate them into the regional plan. The
22 department may revoke or suspend a designation if it determines
23 that the medical facility is substantially out of compliance with
24 the standards and has refused or been unable to comply after
25 a reasonable period of time has elapsed. The department shall

1 promptly notify the regional trauma advisory board of designation
2 suspensions and revocations. Any rehabilitation or trauma center
3 the designation of which has been revoked or suspended may request
4 a hearing to review the action of the department.

5 Sec. 18. Section 71-8245, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 71-8245 As part of the process to designate and renew the
8 designation of hospitals and health care facilities as advanced,
9 basic, comprehensive, or general level trauma centers, ~~advanced,~~
10 ~~basic, or general level rehabilitation centers, or specialty level~~
11 ~~burn or pediatric trauma centers,~~ the department may contract
12 for onsite reviews of such hospitals and health care facilities
13 to determine compliance with required standards. As part of the
14 process to designate health care facilities as a basic or general
15 rehabilitation center or specialty level burn or pediatric trauma
16 center, the applicant shall submit to the department documentation
17 of current verification from its governing body in its specialty
18 area. Members of onsite review teams and staff included in onsite
19 visits shall not divulge and cannot be subpoenaed to divulge
20 information obtained or reports written pursuant to this section
21 in any civil action, except pursuant to a court order which
22 provides for the protection of sensitive information of interested
23 parties, including the department: (1) In actions arising out of
24 the designation of a hospital or health care facility pursuant to
25 section 71-8244; (2) in actions arising out of the revocation or

1 suspension of a designation under such section; or (3) in actions
2 arising out of the restriction or revocation of the clinical
3 or staff privileges of a health care provider, subject to any
4 further restrictions on disclosure that may apply. Information
5 that identifies an individual patient shall not be publicly
6 disclosed without the patient's consent. When a medical facility
7 requests designation for more than one service, the department may
8 coordinate the joint consideration of such requests. Composition
9 and qualification of the designation team shall be set forth in
10 rules and regulations adopted under the Statewide Trauma System
11 Act. Reports prepared pursuant to this section shall not be
12 considered public records.

13 The department may establish fees to defray the costs
14 of carrying out onsite reviews required by this section, but such
15 fees shall not be assessed to health care facilities designated as
16 basic or general level trauma centers or basic level rehabilitation
17 centers.

18 This section does not restrict the authority of a
19 hospital or a health care provider to provide services which
20 it has been authorized to provide by state law.

21 Sec. 19. Section 71-8246, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 71-8246 ~~By May 1998, the department shall begin the~~
24 ~~development of~~ The department shall develop the regional trauma
25 system. The department shall:

- 1 (1) Assess and analyze regional trauma care needs;
- 2 (2) Identify personnel, agencies, facilities, equipment,
3 training, and education needed to meet regional needs;
- 4 (3) Identify specific activities necessary to meet
5 statewide standards and patient care outcomes and develop a plan of
6 implementation for regional compliance;
- 7 (4) ~~Establish~~ Promote agreements with providers outside
8 the region to facilitate patient transfer;
- 9 (5) Establish a regional budget;
- 10 (6) Establish the minimum number and level of facilities
11 to be designated which are consistent with state standards and
12 based upon availability of resources and the distribution of trauma
13 within the region; and
- 14 (7) Include other specific elements defined by the
15 department.

16 Sec. 20. Section 71-8247, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 71-8247 ~~By December 1998, in~~ In each trauma region,
19 a regional trauma system quality assurance program shall be
20 established by the health care facilities designated as advanced,
21 basic, comprehensive, and general level trauma centers. The quality
22 assurance program shall evaluate trauma data quality, trauma care
23 delivery, patient care outcomes, and compliance with the Statewide
24 Trauma System Act. The regional medical director and all health
25 care providers and facilities which provide trauma care services

1 within the region shall be invited to participate in the quality
2 assurance program.

3 Sec. 21. Section 71-8248, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 71-8248 ~~By December 1998, the~~ The department shall
6 establish and maintain a statewide trauma registry to collect
7 and analyze data on the incidence, severity, and causes of
8 trauma, including traumatic brain injury. The registry shall be
9 used to improve the availability and delivery of prehospital or
10 out-of-hospital care and hospital trauma care services. Specific
11 data elements of the registry shall be defined by rule and
12 regulation of the department. Every health care facility designated
13 as an advanced, a basic, a comprehensive, or a general level trauma
14 center, a specialty level burn or pediatric trauma center, an
15 advanced, a basic, or a general level rehabilitation center, or a
16 prehospital or out-of-hospital provider shall furnish data to the
17 registry. All other hospitals may furnish trauma data as required
18 by the department by rule and regulation. All hospitals involved
19 in the care of a trauma patient shall have unrestricted access to
20 all prehospital reports for the trauma registry for that specific
21 trauma occurrence.

22 Sec. 22. Original sections 71-8205, 71-8207, 71-8208,
23 71-8210, 71-8216, 71-8218, 71-8222, 71-8230, 71-8232, 71-8234,
24 71-8235, 71-8237, 71-8240, 71-8242, 71-8243, 71-8244, 71-8245,
25 71-8246, 71-8247, and 71-8248, Reissue Revised Statutes of

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1 Nebraska, and section 71-8239, Revised Statutes Cumulative
2 Supplement, 2008, are repealed.

3 Sec. 23. The following section is outright repealed:

4 Section 71-8223, Reissue Revised Statutes of Nebraska.