

LEGISLATIVE BILL 46

Approved by the Governor March 18, 2015

Introduced by Watermeier, 1.

A BILL FOR AN ACT relating to the Statewide Trauma System Act; to amend sections 71-8201, 71-8203, 71-8204, 71-8206, 71-8212, 71-8217, 71-8229, 71-8230, 71-8240, 71-8244, 71-8245, and 71-8248, Reissue Revised Statutes of Nebraska; to redefine terms; to change provisions relating to rehabilitation centers and trauma centers; to harmonize provisions; and to repeal the original sections.

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

Section 1. Section 71-8201, Reissue Revised Statutes of Nebraska, is amended to read:

71-8201 Sections 71-8201 to 71-8253 and section 6 of this act shall be known and may be cited as the Statewide Trauma System Act.

Sec. 2. Section 71-8203, Reissue Revised Statutes of Nebraska, is amended to read:

71-8203 For purposes of the Statewide Trauma System Act, the definitions found in sections 71-8204 to 71-8235 and section 6 of this act apply.

Sec. 3. Section 71-8204, Reissue Revised Statutes of Nebraska, is amended to read:

71-8204 Advanced level rehabilitation center means a rehabilitation center which, in addition to the services provided at intermediate ~~basic~~ level and general level rehabilitation centers, provides services to patients with traumatic brain or spinal injuries, complicated amputations, and other diagnoses resulting in functional impairment in more than one functional area, with moderate to severe impairment or complexity, and serves as a referral facility for intermediate ~~basic~~ level and general level rehabilitative services.

Sec. 4. Section 71-8212, Reissue Revised Statutes of Nebraska, is amended to read:

71-8212 Designated rehabilitation centers means advanced, intermediate ~~basic~~, or general level rehabilitation centers.

Sec. 5. Section 71-8217, Reissue Revised Statutes of Nebraska, is amended to read:

71-8217 General level rehabilitation center means a rehabilitation center which ~~that~~ provides (1) ~~rehabilitative~~ services to individuals with musculoskeletal injuries ~~trauma~~, peripheral nerve injuries, uncomplicated lesions, lower extremity amputations, and other diagnoses resulting in functional impairment in one or more functional areas, with minimum to moderate ~~to severe~~ impairment or complexity, and (2) ~~a twenty-four-hour program of coordinated, integrated medical and rehabilitative services by an interdisciplinary team comprised of practitioners of rehabilitation medicine, psychology, rehabilitation nursing, social work, therapeutic recreation, and the therapy services offered by basic level rehabilitative centers.~~

Sec. 6. Section 71-8206, Reissue Revised Statutes of Nebraska, is amended to read:

~~71-8206~~ Intermediate ~~Basic~~ level rehabilitation center means a rehabilitation center which provides rehabilitative services to individuals with musculoskeletal trauma ~~injuries~~, peripheral nerve lesions ~~injuries~~, ~~uncomplicated~~ lower extremity amputations, and other diagnoses resulting in functional impairment in one or more functional areas, ~~with minimum to moderate to severe impairment or complexity and provides physical therapy, occupational therapy, and speech-language pathology services.~~

Sec. 7. Section 71-8229, Reissue Revised Statutes of Nebraska, is amended to read:

71-8229 Rehabilitative services means a system or collection of comprehensive medical and therapy services that are interdisciplinary, coordinated, and resource-intense with the goal of restoring physical, cognitive, psychological, social, and vocational functioning so that an individual can return to home, work, or society, becoming a productive participant in his or her community ~~formal program of multidisciplinary, coordinated, and integrated services for evaluation, treatment, education, and training to help trauma patients who have sustained neurologic or musculoskeletal injury and who need physical or cognitive intervention to return to home, work, or society and to achieve and maintain optimal functional independence in physical, psychosocial, social, vocational, and avocational realms.~~

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

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

Sec. 9. Section 71-8240, Reissue Revised Statutes of Nebraska, is amended to read:

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

- (1) Trauma system objectives and priorities;
- (2) Minimum trauma standards for facilities, equipment, and personnel for advanced, basic, comprehensive, and general level trauma centers and specialty level burn or pediatric trauma centers;
- (3) Minimum standards for facilities, equipment, and personnel for advanced, intermediate basic, and general level rehabilitation centers;
- (4) Minimum trauma standards for the development of facility patient care protocols;
- (5) Trauma care regions as provided for in section 71-8250;
- (6) Recommendations for an effective trauma transportation system;
- (7) The minimum number of hospitals and health care facilities in the state and within each trauma care region that may provide designated trauma care services based upon approved regional trauma plans;
- (8) The minimum number of prehospital or out-of-hospital care providers in the state and within each trauma care region that may provide trauma care services based upon approved regional trauma plans;
- (9) A format for submission of the regional trauma plans to the department;
- (10) A program for emergency medical services and trauma care research and development;
- (11) Review and approve regional trauma plans;
- (12) The initial designation of hospitals and health care facilities to provide designated trauma care services in accordance with needs identified in the approved regional trauma plan; and
- (13) The trauma implementation plan incorporating the regional trauma plans.

Sec. 10. Section 71-8244, Reissue Revised Statutes of Nebraska, is amended to read:

71-8244 (1) Any hospital, facility, rehabilitation center, or specialty level burn or pediatric trauma center that desires to be a designated center shall request designation from the department whereby each agrees to maintain a level of commitment and resources sufficient to meet responsibilities and standards required by the statewide trauma system. The department shall determine by rule and regulation the manner and form of such requests.

(2) Upon receiving a request, the department shall review the request to determine whether there is compliance with standards for the trauma care level for which designation is desired or whether the appropriate governing body verification or accreditation documentation has been submitted. Any hospital, facility, rehabilitation center, or specialty level burn or pediatric trauma center which submits verification or accreditation documentation from a recognized independent verification or accreditation body or public agency with standards that are at least as stringent as those of the State of Nebraska for the trauma care level for which designation is desired as determined by the State Trauma Advisory Board such ~~verification documentation~~ shall be designated by the department and shall be included in the trauma system or plan established under the Statewide Trauma System Act. Any medical facility that is currently verified or accredited shall be designated by the department at the corresponding level of designation for the same time period in Nebraska without the necessity of an onsite review by the department.

(3) Any medical facility applying for designation may appeal its designation. The appeal shall be in accordance with the Administrative Procedure Act.

(4) Except as otherwise provided in subsection (2) of this section, ~~designation~~ Designation is valid for a period of four years and is renewable upon receipt of a request from the medical facility for renewal prior to expiration. Any ~~medical facility that is currently verified by its governing body shall be designated at the corresponding level of designation for the same time period in Nebraska without the necessity of an onsite review by the department.~~

(5) Regional trauma advisory boards shall be notified promptly of designated medical facilities in their region so they may incorporate them into the regional plan.

(6) The department may revoke or suspend a designation if it determines that the medical facility is substantially out of compliance with the standards and has refused or been unable to comply after a reasonable period of time has elapsed. The department shall promptly notify the regional trauma advisory board of designation suspensions and revocations. Any rehabilitation or trauma center the designation of which has been revoked or suspended may request a hearing to review the action of the department.

Sec. 11. Section 71-8245, Reissue Revised Statutes of Nebraska, is amended to read:

71-8245 (1) As part of the process to designate and renew the designation of hospitals and health care facilities as advanced, basic, comprehensive, or general level trauma centers, the department may contract for onsite reviews of such hospitals and health care facilities to determine compliance with required standards. As part of the process to designate a health care facility as a ~~basic or general, an intermediate, or an advanced level~~ rehabilitation center or a specialty level burn or pediatric trauma center, the applicant shall submit to the department documentation of current verification or accreditation

from its governing body in its specialty area.

(2) Members of onsite review teams and staff included in onsite visits shall not divulge and cannot be subpoenaed to divulge information obtained or reports written pursuant to this section in any civil action, except pursuant to a court order which provides for the protection of sensitive information of interested parties, including the department:

(a) In actions arising out of the designation of a hospital or health care facility pursuant to section 71-8244;

(b) In (2) in actions arising out of the revocation or suspension of a designation under such section; or

(c) In (3) in actions arising out of the restriction or revocation of the clinical or staff privileges of a health care provider, subject to any further restrictions on disclosure that may apply.

(3) Information that identifies an individual patient shall not be publicly disclosed without the patient's consent.

(4) When a medical facility requests designation for more than one service, the department may coordinate the joint consideration of such requests. Composition and qualification of the designation team shall be set forth in rules and regulations adopted under the Statewide Trauma System Act. Reports prepared pursuant to this section shall not be considered public records.

(5) The department may establish fees to defray the costs of carrying out onsite reviews required by this section, but such fees shall not be assessed to health care facilities designated as basic or general level trauma centers—~~or basic level rehabilitation centers.~~

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

Sec. 12. Section 71-8248, Reissue Revised Statutes of Nebraska, is amended to read:

71-8248 The department shall establish and maintain a statewide trauma registry to collect and analyze data on the incidence, severity, and causes of trauma, including traumatic brain injury. The registry shall be used to improve the availability and delivery of prehospital or out-of-hospital care and hospital trauma care services. Specific data elements of the registry shall be defined by rule and regulation of the department. Every health care facility designated as an advanced, a basic, a comprehensive, or a general level trauma center, a specialty level burn or pediatric trauma center, an advanced, an intermediate ~~a basic~~, or a general level rehabilitation center, or a prehospital or out-of-hospital provider shall furnish data to the registry. All other hospitals may furnish trauma data as required by the department by rule and regulation. All hospitals involved in the care of a trauma patient shall have unrestricted access to all prehospital reports for the trauma registry for that specific trauma occurrence.

Sec. 13. Original sections 71-8201, 71-8203, 71-8204, 71-8206, 71-8212, 71-8217, 71-8229, 71-8230, 71-8240, 71-8244, 71-8245, and 71-8248, Reissue Revised Statutes of Nebraska, are repealed.