

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1320

Introduced by Ballard, 21.

Read first time January 17, 2024

Committee: Health and Human Services

- 1 A BILL FOR AN ACT relating to emergency medical services; to amend
- 2 sections 38-1201 and 38-1225, Revised Statutes Cumulative
- 3 Supplement, 2022; to require emergency medical services to report
- 4 patient overdose information as prescribed; to harmonize provisions;
- 5 and to repeal the original sections.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 38-1201, Revised Statutes Cumulative Supplement,
2 2022, is amended to read:

3 38-1201 Sections 38-1201 to 38-1237 and section 3 of this act shall
4 be known and may be cited as the Emergency Medical Services Practice Act.

5 Sec. 2. Section 38-1225, Revised Statutes Cumulative Supplement,
6 2022, is amended to read:

7 38-1225 (1) No patient data received or recorded by an emergency
8 medical service or an emergency care provider shall be divulged, made
9 public, or released by an emergency medical service or an emergency care
10 provider, except that patient data may be released (a) for purposes of
11 treatment, payment, and other health care operations as defined and
12 permitted under the federal Health Insurance Portability and
13 Accountability Act of 1996, as such act existed on January 1, 2024, (b)
14 as required by section 3 of this act ~~2018~~, or (c) as otherwise permitted
15 by law. Such data shall be provided to the department for public health
16 purposes pursuant to rules and regulations of the department. For
17 purposes of this section, patient data means any data received or
18 recorded as part of the records maintenance requirements of the Emergency
19 Medical Services Practice Act.

20 (2) Patient data received by the department shall be confidential
21 with release only (a) in aggregate data reports created by the department
22 on a periodic basis or at the request of an individual, (b) as case-
23 specific data to approved researchers for specific research projects, (c)
24 as protected health information to a public health authority, as such
25 terms are defined under the federal Health Insurance Portability and
26 Accountability Act of 1996, as such act existed on January 1, 2024 ~~2018~~,
27 and (d) as protected health information, as defined under the federal
28 Health Insurance Portability and Accountability Act of 1996, as such act
29 existed on January 1, 2024 ~~2018~~, to an emergency medical service, to an
30 emergency care provider, or to a licensed health care facility for
31 purposes of treatment. A record may be shared with the emergency medical

1 service or emergency care provider that reported that specific record.
2 Approved researchers shall maintain the confidentiality of the data, and
3 researchers shall be approved in the same manner as described in section
4 81-666. Aggregate reports shall be public documents.

5 (3) No civil or criminal liability of any kind or character for
6 damages or other relief or penalty shall arise or be enforced against any
7 person or organization by reason of having provided patient data pursuant
8 to this section.

9 Sec. 3. (1) An emergency medical service that treats and releases,
10 or transports to a medical facility, an individual experiencing a
11 suspected or an actual overdose shall report the incident to the
12 department. A report of an overdose made under this section shall include
13 the information required by the department for occurrences requiring a
14 response to perceived individual need for medical care.

15 (2) An emergency medical service that reports an overdose under this
16 section shall make best efforts to submit the report within seventy-two
17 hours after responding to the incident.

18 (3) When the department receives a report pursuant to subsection (1)
19 of this section, it shall report such information using the Washington/
20 Baltimore High Intensity Drug Trafficking Area Overdose Mapping and
21 Application Program or other similar secure access information technology
22 platform.

23 (4) Overdose information reported pursuant to subsection (1) or (3)
24 of this section shall not be (a) used for a criminal investigation or
25 prosecution or (b) obtained by a law enforcement officer as part of a
26 criminal investigation or prosecution.

27 (5) An emergency medical service that makes a good faith report
28 under this section shall be immune from civil or criminal liability for
29 making the report.

30 Sec. 4. Original sections 38-1201 and 38-1225, Revised Statutes
31 Cumulative Supplement, 2022, are repealed.