

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 46

FINAL READING

Introduced by Watermeier, 1.

Read first time January 08, 2015

Committee: Health and Human Services

1 A BILL FOR AN ACT relating to the Statewide Trauma System Act; to amend
2 sections 71-8201, 71-8203, 71-8204, 71-8206, 71-8212, 71-8217,
3 71-8229, 71-8230, 71-8240, 71-8244, 71-8245, and 71-8248, Reissue
4 Revised Statutes of Nebraska; to redefine terms; to change
5 provisions relating to rehabilitation centers and trauma centers; to
6 harmonize provisions; and to repeal the original sections.
7 Be it enacted by the people of the State of Nebraska,

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

3 71-8201 Sections 71-8201 to 71-8253 and section 6 of this act shall
4 be known and may be cited as the Statewide Trauma System Act.

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

7 71-8203 For purposes of the Statewide Trauma System Act, the
8 definitions found in sections 71-8204 to 71-8235 and section 6 of this
9 act apply.

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

12 71-8204 Advanced level rehabilitation center means a rehabilitation
13 center which, in addition to the services provided at intermediate ~~basic~~
14 level and general level rehabilitation centers, provides services to
15 patients with traumatic brain or spinal injuries, complicated
16 amputations, and other diagnoses resulting in functional impairment in
17 more than one functional area, with moderate to severe impairment or
18 complexity, and serves as a referral facility for intermediate ~~basic~~
19 level and general level rehabilitative services.

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

22 71-8212 Designated rehabilitation centers means advanced,
23 intermediate ~~basic~~, or general level rehabilitation centers.

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

26 71-8217 General level rehabilitation center means a rehabilitation
27 center which ~~that~~ provides ~~(1) rehabilitative~~ services to individuals
28 with musculoskeletal injuries ~~trauma~~, peripheral nerve injuries,
29 uncomplicated lesions, lower extremity amputations, and other diagnoses
30 resulting in functional impairment in one or more functional areas, with
31 minimum to moderate ~~to severe~~ impairment or complexity, ~~and (2) a twenty-~~

1 ~~four-hour program of coordinated, integrated medical and rehabilitative~~
2 ~~services by an interdisciplinary team comprised of practitioners of~~
3 ~~rehabilitation medicine, psychology, rehabilitation nursing, social work,~~
4 ~~therapeutic recreation, and the therapy services offered by basic level~~
5 ~~rehabilitative centers.~~

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

8 ~~71-8206~~ Intermediate ~~Basic~~ level rehabilitation center means a
9 rehabilitation center which provides rehabilitative services to
10 individuals with musculoskeletal trauma injuries, peripheral nerve
11 lesions injuries, uncomplicated lower extremity amputations, and other
12 diagnoses resulting in functional impairment in one or more functional
13 areas, with minimum to moderate to severe impairment or complexity and
14 ~~provides physical therapy, occupational therapy, and speech language~~
15 ~~pathology services.~~

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

18 71-8229 Rehabilitative services means a system or collection of
19 comprehensive medical and therapy services that are interdisciplinary,
20 coordinated, and resource-intense with the goal of restoring physical,
21 cognitive, psychological, social, and vocational functioning so that an
22 individual can return to home, work, or society, becoming a productive
23 participant in his or her community ~~formal program of multidisciplinary,~~
24 ~~coordinated, and integrated services for evaluation, treatment,~~
25 ~~education, and training to help trauma patients who have sustained~~
26 ~~neurologic or musculoskeletal injury and who need physical or cognitive~~
27 ~~intervention to return to home, work, or society and to achieve and~~
28 ~~maintain optimal functional independence in physical, psychosocial,~~
29 ~~social, vocational, and avocational realms.~~

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

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

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

10 71-8240 The department shall establish and maintain the following on
11 a statewide basis:

12 (1) Trauma system objectives and priorities;

13 (2) Minimum trauma standards for facilities, equipment, and
14 personnel for advanced, basic, comprehensive, and general level trauma
15 centers and specialty level burn or pediatric trauma centers;

16 (3) Minimum standards for facilities, equipment, and personnel for
17 advanced, intermediate basic, and general level rehabilitation centers;

18 (4) Minimum trauma standards for the development of facility patient
19 care protocols;

20 (5) Trauma care regions as provided for in section 71-8250;

21 (6) Recommendations for an effective trauma transportation system;

22 (7) The minimum number of hospitals and health care facilities in
23 the state and within each trauma care region that may provide designated
24 trauma care services based upon approved regional trauma plans;

25 (8) The minimum number of prehospital or out-of-hospital care
26 providers in the state and within each trauma care region that may
27 provide trauma care services based upon approved regional trauma plans;

28 (9) A format for submission of the regional trauma plans to the
29 department;

30 (10) A program for emergency medical services and trauma care
31 research and development;

1 (11) Review and approve regional trauma plans;

2 (12) The initial designation of hospitals and health care facilities
3 to provide designated trauma care services in accordance with needs
4 identified in the approved regional trauma plan; and

5 (13) The trauma implementation plan incorporating the regional
6 trauma plans.

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

9 71-8244 (1) Any hospital, facility, rehabilitation center, or
10 specialty level burn or pediatric trauma center that desires to be a
11 designated center shall request designation from the department whereby
12 each agrees to maintain a level of commitment and resources sufficient to
13 meet responsibilities and standards required by the statewide trauma
14 system. The department shall determine by rule and regulation the manner
15 and form of such requests.

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

1 department.

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

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

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

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

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

25 71-8245 (1) As part of the process to designate and renew the
26 designation of hospitals and health care facilities as advanced, basic,
27 comprehensive, or general level trauma centers, the department may
28 contract for onsite reviews of such hospitals and health care facilities
29 to determine compliance with required standards. As part of the process
30 to designate a health care facility as a ~~basic~~ or general, an
31 intermediate, or an advanced level rehabilitation center or a specialty

1 level burn or pediatric trauma center, the applicant shall submit to the
2 department documentation of current verification or accreditation ~~from~~
3 ~~its governing body in its specialty area.~~

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

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

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

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

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

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

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

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

31 Sec. 12. Section 71-8248, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 71-8248 The department shall establish and maintain a statewide
3 trauma registry to collect and analyze data on the incidence, severity,
4 and causes of trauma, including traumatic brain injury. The registry
5 shall be used to improve the availability and delivery of prehospital or
6 out-of-hospital care and hospital trauma care services. Specific data
7 elements of the registry shall be defined by rule and regulation of the
8 department. Every health care facility designated as an advanced, a
9 basic, a comprehensive, or a general level trauma center, a specialty
10 level burn or pediatric trauma center, an advanced, an intermediate a
11 ~~basic~~, or a general level rehabilitation center, or a prehospital or out-
12 of-hospital provider shall furnish data to the registry. All other
13 hospitals may furnish trauma data as required by the department by rule
14 and regulation. All hospitals involved in the care of a trauma patient
15 shall have unrestricted access to all prehospital reports for the trauma
16 registry for that specific trauma occurrence.

17 Sec. 13. Original sections 71-8201, 71-8203, 71-8204, 71-8206,
18 71-8212, 71-8217, 71-8229, 71-8230, 71-8240, 71-8244, 71-8245, and
19 71-8248, Reissue Revised Statutes of Nebraska, are repealed.