

# ACT No. 934

HOUSE BILL NO. 985

BY REPRESENTATIVES WHITE, ARMES, ARNOLD, AUBERT, BALDONE, BARROW, BILLIOT, BURFORD, HENRY BURNS, CARMODY, CHAMPAGNE, CHANDLER, CHANEY, CONNICK, CORTEZ, CROMER, DIXON, DOVE, DOWNS, GISCLAIR, GUILLORY, GUINN, HARDY, HARRISON, HENRY, HOFFMANN, HONORE, HUTTER, MICHAEL JACKSON, KATZ, LAMBERT, LITTLE, LORUSSO, MILLS, MONTOUCET, MORENO, ROY, SIMON, GARY SMITH, JANE SMITH, PATRICIA SMITH, ST. GERMAIN, TEMPLET, TUCKER, WILLMOTT, AND WOOTON

1 AN ACT

2 To amend and reenact R.S. 40:2173(A), (B)(7), (E), and (F), 2844(B)(introductory  
3 paragraph) and (1), (C)(1) and (2), 2845(A)(1) and (D), and R.S. 44:4.1(B)(24) and  
4 to enact R.S. 40:2173(B)(8) and (9), 2844(B)(21), (22), (23), and (24), 2845(A)(6)  
5 and (7), (E), and (F), and 2845.1, relative to the Louisiana Emergency Response  
6 Network; to provide for requirements for trauma centers; to provide for membership  
7 of the LERN board; to provide for powers and functions of the LERN board; to  
8 provide for a statewide trauma registry; to provide for confidentiality requirements  
9 for the statewide trauma registry; to provide authority to develop stroke and STEMI  
10 systems; to create a LERN fund; to provide authority for publishing materials; to  
11 provide for public records exceptions; and to provide for related matters.

12 Be it enacted by the Legislature of Louisiana:

13 Section 1. R.S. 40:2173(A), (B)(7), (E), and (F), 2844(B)(introductory paragraph)  
14 and (1), (C)(1) and (2), and 2845(A)(1) and (D), are hereby amended and reenacted and R.S.  
15 40:2173(B)(8) and (9), 2844(B)(21), (22), (23), and (24), 2845(A)(6) and (7), (E), and (F),  
16 and 2845.1 are hereby enacted to read as follows:

17 §2173. Rules, regulations, and standards for licenses

18 A. The department shall promulgate rules and regulations to carry out the  
19 provisions of this Part in accordance with the provisions of the Administrative  
20 Procedure Act. The department shall consult with the Louisiana Emergency

1           Response Network (LERN), the Louisiana Hospital Association, and the Louisiana  
 2           State Medical Society in the development of rules and regulations.

3           B. The department shall promulgate minimum standards for trauma centers  
 4           as defined in this Part which shall:

5   \*       \*       \*

6           ~~(7) Provide for the establishment in the state of a central data reporting and~~  
 7           ~~analysis system to:~~

8           ~~(a) Identify severely injured trauma patients at all health care facilities in the~~  
 9           ~~state.~~

10          ~~(b) Identify the total amount of uncompensated trauma care expenditures~~  
 11          ~~made for each fiscal year by each health care facility in the state.~~

12          ~~(c) Monitor trauma patient care in each certified trauma center in the state.~~

13          Provide for the verification and certification of trauma center status which  
 14          assign level designations based on resources available within the applicable facility.

15          Rules shall be based upon national guidelines, including but not limited to those  
 16          established by the American College of Surgeons in Hospital and Pre-Hospital  
 17          Resources for Optimal Care of the Injured Patient and any published appendices  
 18          thereto.

19          (8) Provide that LERN may fund the provision of data to the state trauma  
 20          registry in accordance with the registry's adopted rules, requirements, and reporting  
 21          cycle.

22          (9) Provide that certified trauma centers participate in LERN regional  
 23          commissions and LERN regional and state-level trauma system performance  
 24          improvement and injury prevention activities per American College of Surgeons  
 25          guidelines once adequate funding has been secured by the certified trauma center.

26   \*       \*       \*

27          E. The department shall designate a health care facility as a primary trauma  
 28          center when the requirements of this Section have been fulfilled and upon  
 29          verification from the American College of Surgeons that the facility has met its  
 30          criteria for Level I, or II, or III. ~~A facility which meets the criteria for Level III and~~

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1           ~~the requirements of this Section shall be certified as a secondary trauma center. The~~  
2           ~~"trauma center" label shall be reserved exclusively for hospitals with state-issued~~  
3           ~~trauma center certification.~~

4                     F. The department shall ~~promulgate~~ issue standard forms for applications and  
5           for inspection reports, after consultation with LERN and other appropriate  
6           organizations.

7                                     \*       \*       \*

8           §2844. Governing board; membership, appointment, terms, compensation,  
9           vacancies

10                                    \*       \*       \*

11                     B. The network shall be governed by a board of ~~twenty-four~~ twenty-eight  
12           members which shall include:

13                     (1) One ~~member~~ cardiologist from nominees submitted by the Louisiana  
14           ~~Ambulance Association Chapter of the American College of Cardiology.~~

15                                     \*       \*       \*

16                     (21) One physician from nominees submitted by the American Stroke  
17           Association.

18                     (22) One registered nurse practicing in emergency or critical care from  
19           nominees submitted by the Louisiana State Board of Nursing.

20                     (23) One medical director of an emergency medical services agency from  
21           nominees submitted by the Louisiana Association of EMS Physicians.

22                     (24) One optometrist from nominees submitted by the Optometry  
23           Association of Louisiana.

24                     C.(1) The members listed in Paragraphs (B)(1) through (14) and (17) through  
25           ~~(20)~~(24) of this Section shall be appointed by the governor from a list of qualified  
26           candidates nominated by the respective organizations.

27                     (2) The organizations listed in Paragraphs (B)(1) through (14) and (17)  
28           through ~~(20)~~(24) of this Section shall each submit a list of a at least four nominees  
29           for the respective board position to the governor.

30                                     \*       \*       \*

1 §2845. Board; functions, powers, and duties

2 A. The board shall:

3 (1) ~~Provide for the development, implementation, and support of a statewide~~  
4 ~~system that provides access to care in a seamless, coordinated manner for trauma and~~  
5 ~~time-sensitive injured patients based upon the participation of public and private pre-~~  
6 ~~hospital, acute care, post-acute care, and rehabilitation programs located throughout~~  
7 ~~Louisiana.~~ Establish and maintain a statewide trauma system that shall include a  
8 centralized communication center for resource coordination of medical capabilities  
9 for participating trauma centers as defined by R.S. 40:2171 and emergency medical  
10 services.

11 \* \* \*

12 (6) Establish and maintain a statewide trauma registry to collect and analyze  
13 data on the incidence, severity, and causes of trauma, including traumatic brain  
14 injury. The registry shall be used to improve the availability and delivery of pre-  
15 hospital or out-of-hospital care and hospital trauma care services.

16 (a) The board shall promulgate rules and regulations according to the  
17 Administrative Procedure Act to do the following:

18 (i) Define specific data elements required to be furnished to the registry by  
19 every health care facility certified by the department as a trauma center.

20 (ii) Define trauma data elements that all other health care facilities shall be  
21 required to furnish to the registry.

22 (iii) Establish a process for submission, analysis, and reporting of registry  
23 data.

24 (b) Required reporting to the state trauma registry is contingent on LERN  
25 providing adequate financial support through the Louisiana Emergency Response  
26 Network fund to cover administrative costs.

27 (7) Work with the department to develop stroke and ST segment elevation  
28 myocardial infarction (STEMI) systems that are designed to promote rapid  
29 identification of, and access to, appropriate stroke and STEMI resources statewide.

30 \* \* \*

1 D.(1) The board may accept grants, donations, or gifts of money or services  
2 from public or private organizations or from any other sources to be utilized for the  
3 purposes of the board.

4 (2) There is hereby created in the state treasury, a special fund called the  
5 Louisiana Emergency Response Network Fund. The source of monies deposited into  
6 the fund may be any monies appropriated annually by the legislature, including  
7 federal funds, any public or private donations, gifts, or grants from individuals,  
8 corporations, nonprofit organizations, or other business entities which may be made  
9 to the fund, and any other monies which may be provided by law.

10 (3) Monies in the fund shall be invested in the same manner as monies in the  
11 state general fund, and interest earned on investment of monies in the fund shall be  
12 credited to the state general fund. Unexpended and unencumbered monies in the  
13 fund at the end of the fiscal year shall remain in the fund.

14 E. Subject to any appropriation by the legislature, monies in the fund shall  
15 be used as directed by the board solely to fund grants, projects, and services which  
16 will address the goals and objectives of the board as authorized in this Chapter.

17 F. In addition to annual reports to the legislature, the board may publish  
18 documents and materials intended to further the mission or purpose of the board.

19 §2845.1. Public records exception

20 Patient and peer review data or information submitted or transmitted pursuant  
21 to this Chapter to the trauma registry, the board, any committee acting on behalf of  
22 the board, any hospital or pre-hospital care provider, any physician or other direct  
23 care provider, any regional commission, any emergency medical services council,  
24 emergency medical services agency, or other group or committee whose purpose is  
25 to monitor and improve quality care pursuant to this Chapter, shall be confidential  
26 and exempt from the provisions of law relative to public records as provided in R.S.  
27 44:4.1(B)(24).

28 \* \* \*

1 Section 2. R.S. 44:4.1(B)(24) is hereby amended and reenacted as follows:

2 §4.1. Exceptions

3 \* \* \*

4 B. The legislature further recognizes that there exist exceptions, exemptions,  
5 and limitations to the laws pertaining to public records throughout the revised  
6 statutes and codes of this state. Therefore, the following exceptions, exemptions, and  
7 limitations are hereby continued in effect by incorporation into this Chapter by  
8 citation:

9 \* \* \*

10 (24) R.S. 40:3.1, 31.14, 31.27, 39.1, 41, 73, 526, 528, 1007, 1098.8, 1232.7,  
11 1299.6, 1299.35.10, 1299.44, 1299.85, 1299.87, 1300.14, 1300.54, 1379.3, 2009.8,  
12 2009.14, 2010.5, 2017.9, 2018, 2019, 2020, 2106, 2109.1, 2138, 2532, 2845.1.

13 \* \* \*

\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_