

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 765

Introduced by DeKay, 40; Bostelman, 23.

Read first time January 18, 2023

Committee:

1 A BILL FOR AN ACT relating to the Statewide Trauma System Act; to amend
2 sections 71-8202, 71-8228, 71-8230, 71-8231, 71-8234, 71-8235,
3 71-8239, 71-8241, 71-8242, 71-8243, 71-8244, 71-8245, and 71-8247,
4 Reissue Revised Statutes of Nebraska, and sections 71-8236, 71-8237,
5 and 71-8240, Revised Statutes Cumulative Supplement, 2022; to
6 restate legislative findings; to change and eliminate definitions;
7 to provide and eliminate powers and duties; to eliminate
8 requirements and a fund; to repeal the original sections; and to
9 outright repeal sections 71-8208, 71-8216, 71-8220, 71-8222,
10 71-8238, 71-8246, and 71-8252, Reissue Revised Statutes of Nebraska,
11 and sections 71-8226, 71-8227, and 71-8251, Revised Statutes
12 Cumulative Supplement, 2022.
13 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 71-8202, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 71-8202 The Legislature finds and declares that:

4 (1) Trauma is a severe health problem in the State of Nebraska and a
5 major cause of death and long-term disability;

6 (2) Trauma care is very limited in many parts of Nebraska,
7 particularly in rural areas where there is a growing danger that some
8 communities may be left without adequate emergency medical care;

9 (3) It is in the best interests of the citizens of Nebraska to
10 establish an efficient and well-coordinated statewide trauma system to
11 reduce costs and incidence of inappropriate and inadequate trauma care
12 and emergency medical service; and

13 (4) The goals and objectives of a statewide trauma system are to:
14 (a) Pursue trauma prevention activities to decrease the incidence of
15 trauma; (b) provide optimal care for trauma victims; (c) prevent
16 unnecessary death and disability from trauma and emergency illness
17 ~~without regard to insurance or ability to pay and utilize the protocols~~
18 ~~established in the rules and regulations adopted under the Statewide~~
19 ~~Trauma System Act;~~ and (d) contain costs of trauma care and trauma system
20 implementation.

21 Sec. 2. Section 71-8228, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 71-8228 Regional medical director means a physician licensed under
24 the Uniform Credentialing Act ~~who shall report to the Director of Public~~
25 ~~Health and carry out the regional plan for his or her region.~~

26 Sec. 3. Section 71-8230, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 71-8230 Specialty level burn or pediatric trauma center means a
29 trauma center that ~~(1) provides specialized care in the areas of burns or~~
30 ~~pediatrics, (2) provides continuous accessibility regardless of day,~~
31 ~~season, or patient's ability to pay, and (3) has entry access from each~~

1 ~~of the designation levels as its online physician or qualified physician~~
2 ~~surrogate deems appropriate.~~

3 Sec. 4. Section 71-8231, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 71-8231 State trauma medical director means a physician licensed
6 under the Uniform Credentialing Act who advises reports to the department
7 ~~Director of Public Health~~ and carries out duties under the Statewide
8 Trauma System Act.

9 Sec. 5. Section 71-8234, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 71-8234 Trauma team means a team of physicians, nurses, medical
12 technicians, and other personnel compiled to respond ~~create a seamless~~
13 ~~response~~ to an acutely injured patient upon the patient's arrival at the
14 hospital ~~in a hospital emergency department.~~

15 Sec. 6. Section 71-8235, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 71-8235 Trauma system means an organized approach to providing care
18 to trauma patients that provides personnel, facilities, and equipment for
19 effective and coordinated trauma care. The trauma system shall identify
20 facilities with specific capabilities to provide care and provide that
21 trauma patients be treated at a designated trauma center appropriate to
22 the patient's level of injury. Trauma system includes prevention,
23 prehospital or out-of-hospital care, hospital care, and rehabilitative
24 ~~services regardless of insurance carrier or ability to pay.~~

25 Sec. 7. Section 71-8236, Revised Statutes Cumulative Supplement,
26 2022, is amended to read:

27 71-8236 The State Trauma Advisory Board is created. The board shall
28 be composed of representatives knowledgeable in emergency medical
29 services and trauma care, including emergency medical providers such as
30 physicians, nurses, hospital personnel, prehospital or emergency care
31 providers, local government officials, state officials, consumers, and

1 persons affiliated professionally with health science schools. The
2 Director of Public Health or his or her designee shall appoint the
3 members of the board for staggered terms of three years each. The
4 department shall provide administrative support to the board. All members
5 of the board may be reimbursed for expenses incurred in the performance
6 of their duties ~~as such members~~ as provided in sections 81-1174 to
7 81-1177. The terms of members representing the same field shall not
8 expire at the same time.

9 The board shall elect a chairperson and a vice-chairperson whose
10 terms of office shall be for two years. The board shall meet at least
11 twice per year by written request of the director or the chairperson.

12 Sec. 8. Section 71-8237, Revised Statutes Cumulative Supplement,
13 2022, is amended to read:

14 71-8237 The State Trauma Advisory Board shall:

15 (1) Advise the department regarding trauma care needs throughout the
16 state;

17 (2) Advise the Board of Emergency Medical Services regarding trauma
18 care to be provided throughout the state by emergency medical services;

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

21 ~~(3) (4)~~ Review proposed departmental rules and regulations for
22 trauma care; and

23 ~~(4) (5)~~ Recommend modifications in rules regarding trauma care. ;
24 ~~and~~

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

27 Sec. 9. Section 71-8239, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 71-8239 (1) The department, in consultation with and having
30 solicited the advice of the State Trauma Advisory Board, shall ~~establish~~
31 ~~and~~ maintain the statewide trauma system.

1 (2) The department, with the advice of the board, shall adopt and
2 promulgate rules and regulations and develop injury prevention strategies
3 to carry out the Statewide Trauma System Act.

4 (3) The Director of Public Health or his or her designee shall
5 appoint the state trauma medical director and the regional medical
6 directors.

7 (4) The department, with the advice of the board, shall identify the
8 state and regional activities that create, operate, maintain, and enhance
9 the statewide trauma system.

10 Sec. 10. Section 71-8240, Revised Statutes Cumulative Supplement,
11 2022, is amended to read:

12 71-8240 The department shall establish and maintain the following on
13 a statewide basis:

14 (1) Trauma system objectives and priorities;

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

18 (3) Minimum standards for facilities, equipment, and personnel for
19 advanced, intermediate, and general level rehabilitation centers;

20 (4) Minimum trauma standards for the development of facility patient
21 care protocols;

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

23 ~~(6) Recommendations for an effective trauma transportation system;~~

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

27 ~~(8) The minimum number of prehospital or emergency care providers in~~
28 ~~the state and within each trauma care region that may provide trauma care~~
29 ~~services based upon approved regional trauma plans;~~

30 ~~(9) A format for submission of the regional trauma plans to the~~
31 ~~department;~~

- 1 ~~(6) (10)~~ A program for emergency medical services and trauma care
2 research and development; and
3 ~~(11) Review and approve regional trauma plans;~~
4 ~~(7) (12)~~ The ~~initial~~ designation of hospitals and health care
5 facilities to provide designated trauma care services, ~~in accordance with~~
6 ~~needs identified in the approved regional trauma plan; and~~
7 ~~(13) The trauma implementation plan incorporating the regional~~
8 ~~trauma plans.~~

9 Sec. 11. Section 71-8241, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 71-8241 The department shall ~~coordinate the statewide trauma system~~
12 ~~to assure integration and smooth operation among the trauma care regions~~
13 ~~and~~ facilitate coordination of the State Trauma Advisory Board and the
14 Board of Emergency Medical Services to advise the department on
15 development of the statewide trauma ~~monitor the system.~~

16 Sec. 12. Section 71-8242, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 71-8242 The department shall:

- 19 (1) Maintain ~~Purchase and maintain~~ the statewide trauma registry
20 pursuant to section 71-8248 to assess the effectiveness of trauma
21 delivery and modify standards and other requirements of the statewide
22 trauma system, to improve the provision of emergency medical services and
23 trauma care;
24 (2) Develop patient outcome measures to assess the effectiveness of
25 trauma care in the system;
26 (3) Develop standards for regional trauma care quality assurance
27 programs; and
28 (4) Coordinate and develop trauma prevention and education programs.

29 The department shall administer funding allocated to the department
30 for the purpose of creating, maintaining, or enhancing the statewide
31 trauma system.

1 Sec. 13. Section 71-8243, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 71-8243 Designated trauma centers and rehabilitation centers that
4 receive trauma patients shall be categorized according to designation
5 under the Statewide Trauma System Act. ~~All levels of centers shall follow
6 federal regulation guidelines and established referral patterns, as
7 appropriate, to facilitate a seamless patient-flow system.~~

8 Sec. 14. Section 71-8244, Reissue Revised Statutes of Nebraska, is
9 amended to read:

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

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

1 review by the 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 is valid for a period of four years and is renewable upon
7 receipt of a request from the medical facility for renewal prior to
8 expiration.

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

12 (5) ~~(6)~~ The department may revoke or suspend a designation if it
13 determines that the medical facility is substantially out of compliance
14 with the standards and has refused or been unable to comply after a
15 reasonable period of time has elapsed. The department shall promptly
16 notify the regional trauma medical director ~~advisory board~~ of designation
17 suspensions and revocations. Any rehabilitation or trauma center ~~the~~
18 ~~designation of which has been revoked or suspended~~ may request an
19 administrative a hearing to review a revocation or suspension ~~the action~~
20 of the department.

21 Sec. 15. Section 71-8245, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 71-8245 (1) ~~The~~ As part of the process to designate and renew the
24 designation of hospitals and health care facilities as advanced, basic,
25 comprehensive, or general level trauma centers, the department may
26 contract for ~~onsite~~ reviews of such hospitals and health care facilities
27 to determine compliance with required standards as part of the process to
28 designate and renew the designation of hospitals and health care
29 facilities as advanced, basic, comprehensive, or general level trauma
30 centers. ~~The~~ As part of the process to designate a health care facility
31 as a general, an intermediate, or an advanced level rehabilitation center

1 ~~or a specialty level burn or pediatric trauma center,~~ the applicant shall
2 submit to the department documentation of current verification or
3 accreditation as part of the process to designate a health care facility
4 as a general, intermediate, or advanced level rehabilitation center or a
5 specialty level burn or pediatric trauma center.

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

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

14 (b) ~~The In actions arising out of the~~ revocation or suspension of a
15 designation under such section; or

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

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

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

27 ~~(4) (5)~~ The department may establish fees to defray the costs of
28 carrying out onsite reviews required by this section, but such fees shall
29 not be assessed to health care facilities designated as basic or general
30 level trauma centers.

31 ~~(5) (6)~~ This section does not restrict the authority of a hospital

1 or a health care provider to provide services which it has been
2 authorized to provide by state law.

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

5 71-8247 The board shall establish a committee for each trauma
6 region to maintain a ~~In each trauma region, a regional~~ trauma system
7 quality assurance program ~~shall be established and maintained~~ by the
8 health care facilities designated as advanced, basic, comprehensive, and
9 general level trauma centers. The quality assurance program shall
10 evaluate trauma data quality, trauma care delivery, patient care
11 outcomes, and compliance with the Statewide Trauma System Act. The
12 regional medical director shall participate in the program and all health
13 care providers and facilities which provide trauma care services within
14 the region shall be invited to participate in the quality assurance
15 program.

16 Sec. 17. Original sections 71-8202, 71-8228, 71-8230, 71-8231,
17 71-8234, 71-8235, 71-8239, 71-8241, 71-8242, 71-8243, 71-8244, 71-8245,
18 and 71-8247, Reissue Revised Statutes of Nebraska, and sections 71-8236,
19 71-8237, and 71-8240, Revised Statutes Cumulative Supplement, 2022, are
20 repealed.

21 Sec. 18. The following sections are outright repealed: Sections
22 71-8208, 71-8216, 71-8220, 71-8222, 71-8238, 71-8246, and 71-8252,
23 Reissue Revised Statutes of Nebraska, and sections 71-8226, 71-8227, and
24 71-8251, Revised Statutes Cumulative Supplement, 2022.