

House Bill 3059

Sponsored by Representative COWAN

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires Emergency Medical Services and Trauma Systems Program within Department of Human Services to maintain Oregon Trauma Registry. Requires department to adopt rules regarding registry. Allows access to information in registry by specified persons for public health purposes.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to traumatic injury data; amending ORS 431.623, 431.627 and 431.633; and declaring an
3 emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 431.623 is amended to read:

6 431.623. (1) The Emergency Medical Services and Trauma Systems Program is created within the
7 Department of Human Services for the purpose of administering and regulating ambulances, training
8 and certifying emergency medical technicians, establishing and maintaining emergency medical sys-
9 tems including trauma systems and [*obtaining appropriate data from*] **maintaining** the Oregon [*In-*
10 *jury*] **Trauma** Registry, as necessary for trauma reimbursement, system quality assurance and
11 [*assuring*] **ensuring** cost efficiency.

12 (2) For purposes of ORS 431.607 to 431.619 and ORS chapter 682, the duties vested in the de-
13 partment shall be performed by the Emergency Medical Services and Trauma Systems Program.

14 (3) The program shall be administered by a director.

15 (4) With moneys transferred to the program by ORS 442.625, the **director of the** program shall
16 apply those moneys to:

17 (a) Developing state and regional standards of care;

18 (b) Developing a statewide educational curriculum to teach standards of care;

19 (c) Implementing quality improvement programs;

20 (d) Creating a statewide data system for prehospital care; and

21 (e) Providing ancillary services to enhance Oregon's emergency medical service system.

22 (5) **The director of the program shall adopt rules for the Oregon Trauma Registry, es-**
23 **tablishing:**

24 (a) **The information that must be reported by trauma centers;**

25 (b) **The form and frequency of reporting; and**

26 (c) **Procedures and standards for the administration of the registry.**

27 **SECTION 2.** ORS 431.627 is amended to read:

28 431.627. (1) In addition to and not in lieu of ORS 431.607 to 431.617, the Department of Human
29 Services shall designate trauma centers in areas that are within the jurisdiction of trauma advisory
30 boards other than in the area within the jurisdiction of area trauma advisory board 1.

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 (2) The department shall enter into contracts with designated trauma centers and monitor and
 2 [assure] **ensure** quality of care and appropriate costs for trauma patients meeting trauma system
 3 entry criteria.

4 (3) **Except as provided in subsection (5) of this section**, all findings and conclusions, inter-
 5 views, reports, studies, communications and statements procured by or furnished to the department,
 6 the State Trauma Advisory Board or an area trauma advisory board in connection with obtaining
 7 the data necessary to perform patient care quality assurance functions shall be confidential pursuant
 8 to ORS 192.501 to 192.505.

9 (4)(a) **Except as provided in subsection (5) of this section**, all data received or compiled by
 10 the State Trauma Advisory Board, [or] any area trauma advisory board **or the department** in
 11 conjunction with department monitoring and [assuring] **ensuring** quality of trauma patient care
 12 shall be confidential and privileged, nondiscoverable and inadmissible in any proceeding. No person
 13 serving on or communicating information to the State Trauma Advisory Board, [or] an area trauma
 14 advisory board **or the department** shall be examined as to any such communications or to the
 15 findings or recommendations of such board. A person serving on or communicating information to
 16 the State Trauma Advisory Board or an area trauma advisory board shall not be subject to an
 17 action for civil damages for actions taken or statements made in good faith. Nothing in this section
 18 affects the admissibility in evidence of a party's medical records not otherwise confidential or priv-
 19 ileged dealing with the party's medical care. The confidentiality provisions of ORS 41.675 and 41.685
 20 shall also apply to the monitoring and quality assurance activities of the State Trauma Advisory
 21 Board, area trauma advisory boards and the department.

22 (b) As used in this section, "data" includes but is not limited to **information contained in the**
 23 **Oregon Trauma Registry**, written reports, notes, records and recommendations.

24 (5) **The department may provide data from the Oregon Trauma Registry, for public health**
 25 **purposes, to:**

- 26 (a) **The State Trauma Advisory Board or any area trauma advisory board;**
- 27 (b) **The State Emergency Medical Service Committee;**
- 28 (c) **The Emergency Medical Services for Children Advisory Committee;**
- 29 (d) **An emergency medical service provider, as defined in ORS 41.685;**
- 30 (e) **A designated trauma center;**
- 31 (f) **A public health authority; and**
- 32 (g) **Persons conducting research who agree to maintain the confidentiality of information**
 33 **regarding individual patients, health care providers and health care facilities.**

34 (6) **The department shall adopt rules to implement subsection (5) of this section that shall**
 35 **include the:**

- 36 (a) **Type of information that may be provided;**
- 37 (b) **Permissible purposes for use of the information;**
- 38 (c) **Criteria under which the information may be linked to other databases; and**
- 39 (d) **Fees charged for access to the information.**

40 [(5)] (7) Final reports by the department, the State Trauma Advisory Board and area trauma
 41 advisory boards shall be available to the public.

42 [(6)] (8) The department shall publish a biennial report of the Emergency Medical Services and
 43 Trauma Systems Program and trauma systems activities.

44 **SECTION 3.** ORS 431.633 is amended to read:

45 431.633. (1) Designated trauma centers and providers, physical rehabilitation centers, alcohol

1 and drug rehabilitation centers and ambulances shall develop a monthly log of all unsponsored, in-
2 adequately insured trauma system patients determined by the hospital to have an injury severity
3 score greater than or equal to 13, and submit monthly to the Emergency Medical Services and
4 Trauma Systems Program the true costs and unpaid balance for the care of these patients.

5 (2) No reimbursement for these patients shall occur until:

6 (a) All information required by the Emergency Medical Services and Trauma Systems Program
7 rules is submitted to the Oregon [*Injury*] **Trauma** Registry; and

8 (b) The Emergency Medical Services and Trauma Systems Program confirms that the injury se-
9 verity score, as defined by the Department of Human Services by rule, is greater than or equal to
10 13.

11 (3) The Emergency Medical Services and Trauma Systems Program shall cause providers to be
12 reimbursed in the following decreasing order of priority:

13 (a) Designated trauma centers and providers;

14 (b) Physical rehabilitation centers;

15 (c) Alcohol and drug rehabilitation centers; and

16 (d) Ambulances.

17 (4) Subject to the availability of funds, the Emergency Medical Services and Trauma Systems
18 Program shall cause the designated trauma centers and providers to be paid first in full. Subsequent
19 providers shall be paid from the balance remaining according to priority.

20 (5) Any matching funds, available pursuant to the [*federal*] Trauma Care Systems **Planning** and
21 Development Act of 1990 [*H.R. 1602*] (**P.L. 101-590**), that are available for purposes of the Emer-
22 gency Medical Services and Trauma Systems Program may be used for related studies and projects
23 and reimbursement for uncompensated care.

24 **SECTION 4. This 2009 Act being necessary for the immediate preservation of the public**
25 **peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect**
26 **on its passage.**