

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 87th General Assembly
3 Regular Session, 2009

A Bill

HOUSE BILL 1411

4
5 By: Representative Shelby
6 By: Senator Steele

For An Act To Be Entitled

7
8
9
10 AN ACT TO AMEND THE TRAUMA SYSTEM ACT, § 20-13-
11 801 ET SEQ.; AND FOR OTHER PURPOSES.

Subtitle

12
13
14 TO AMEND THE TRAUMA SYSTEM ACT.

15
16
17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

18
19 SECTION 1. Arkansas Code Title 20, Chapter 13, Subchapter 8 is amended
20 to read as follows:

21 20-13-801. Title.

22 This subchapter ~~shall be~~ is known and may be cited as the "Trauma
23 System Act".

24
25 20-13-802. Legislative findings.

26 The General Assembly finds that:

27 (1) Trauma Traumatic injury is recognized as the leading killer
28 of persons one (1) year to forty-four (44) years of age and is a serious yet
29 preventable ~~disease,~~ condition;

30 (2) Deaths due to trauma in the United States for 2005 were
31 nearly one hundred thirty-nine thousand (139,000), and children nineteen (19)
32 years of age or younger accounted for nearly twelve percent (12%) of the
33 deaths;

34 (3) In 2006, two thousand one hundred nineteen (2,119) Arkansans
35 lost their lives and twenty-five thousand three hundred eight (25,308) were
36 admitted to hospitals due to trauma;



1 (4) The State of Arkansas incurs a massive expense from trauma
2 in lives lost, productive years destroyed, and the emotional and monetary
3 expense of caring for victims of trauma-; and

4 (5) The experience of other states has shown that a
5 comprehensive trauma system, including all phases of trauma care, from
6 prevention, prehospital care, and trauma center designation to rehabilitative
7 care, can vastly improve overall trauma problems.

8
9 20-13-803. Definitions.

10 As used in this subchapter:

11 (1) "~~Division~~ Department" means the ~~Division of Health of the~~
12 ~~Department of Health and Human Services~~ Department of Health; and

13 (2) "EMS Division" means the Division of Emergency Medical
14 Services of the ~~Division of Health of the Department of Health and Human~~
15 ~~Services~~ Department of Health.

16
17 20-13-804. Powers and duties of the ~~division~~ department.

18 (a) The ~~Division of Health of the Department of Health and Human~~
19 ~~Services~~ Department of Health may develop and implement a comprehensive
20 trauma care system that provides guidelines for the care of trauma victims
21 and is fully integrated with all available resources, including, but not
22 limited to, existing emergency medical services providers, hospitals, or
23 other health care providers that would like to participate in the program.

24 **(b)(1) The department shall allocate funds deposited into the Public**
25 **Health Fund to administer this subchapter.**

26 **(2) The allocation of available funds shall be developed and**
27 **modified with:**

28 **(A) The advice of the Trauma Advisory Council; and**

29 **(B) The approval of the State Board of Health.**

30 **(3) Allocations of funds in the form of grants or contracts from**
31 **the funds deposited into the Public Health Fund to administer this subchapter**
32 **may include, but are not limited to:**

33 **(A) Emergency medical system care providers and ambulance**
34 **providers under § 20-13-809;**

35 **(B) Level I, Level II, Level III, and Level IV trauma**
36 **centers under §§ 20-13-810 – 20-13-813;**

- 1 (C) Rehabilitation service providers under § 20-13-814;
- 2 (D) Quality improvement organizations under § 20-13-815;
- 3 (E) Trauma regional advisory councils under § 20-13-816;
- 4 (F) Command communication networks under 20-13-817; and
- 5 (G) Injury prevention programs under § 20-13-818.

6 (c) The funds deposited into the Public Health Fund to administer this
 7 subchapter will be used to fund two (2) general types of grants with entities
 8 necessary to administer this subchapter:

- 9 (1) Start-up trauma grants to support initial costs required to
 10 qualify for participation in the trauma care system; and
- 11 (2) Sustaining trauma grants to support ongoing readiness costs
 12 for continued participation in the trauma care system.

13 (d) The Department may contract with entities as necessary to
 14 implement this subchapter.

15 ~~(b) The division shall promulgate such rules and regulations as are~~
 16 ~~necessary to implement and administer this subchapter.~~

18 20-13-805. Standards for verification of trauma center status.

19 ~~(a) The Division of Health of the Department of Health and Human~~
 20 ~~Services State Board of Health~~ may adopt standards for designation and
 21 verification of trauma center status which assign level designations based on
 22 resources available within the facility.

23 (b)(1) Standards shall be based upon national guidelines, including
 24 those established by the American College of Surgeons entitled "Hospital and
 25 Prehospital Resources for Optimal Care of the Injured Patient" and published
 26 appendices thereto.

27 (2) Standards specific to rural and urban areas shall address
 28 the unique nature of Arkansas may be developed and adopted and modified by
 29 rule of the ~~division~~ board.

31 20-13-806. Trauma data collection and evaluation system -
 32 Confidentiality of records.

33 ~~(a)(1) The Division of Health of the Department of Health and Human~~
 34 ~~Services may~~ Department of Health shall develop a trauma data collection and
 35 evaluation system, known as the "Trauma Registry".

36 (2) The Trauma Registry shall be designed to study both the

1 individual and collective care and treatment given to patients of the trauma
2 system to improve patient outcome and ensure compliance with standards of
3 verification.

4 (b)(1) The ~~division~~ department may collect, as deemed necessary and
5 appropriate, data and information regarding patients treated and transported
6 from the field, admitted to a facility through the emergency department,
7 through a trauma center, or directly to a special care unit or post-
8 hospitalization facility.

9 (2) Data and information shall be collected in a manner which
10 protects and maintains the confidential nature of patient records.

11 (c) Records and reports made pursuant to this subchapter shall be held
12 confidential within the hospital and ~~division~~ department and shall not be
13 available to the public.

14 (d) The Department of Health shall require all recipients of
15 sustaining grants under this subchapter to participate in the state specified
16 Trauma Registry.

17
18 20-13-807. Trauma Advisory Council.

19 (a) There is established an advisory council, to be known as the
20 "Trauma Advisory Council", for the purpose of making recommendations,
21 advising, and providing assistance to the ~~Division of Emergency Medical~~
22 ~~Services of the Division of Health of the Department of Health and Human~~
23 ~~Services~~ Department of Health concerning the development and operation of a
24 statewide trauma system.

25 (b) The council shall consist of ~~twelve (12)~~ twenty (20) voting
26 members who have a demonstrated interest in trauma systems, to be appointed
27 by the Governor as follows:

28 (1) One (1) member appointed from a list of two (2) nominees
29 submitted by the Arkansas Chapter of the American College of Emergency
30 Physicians;

31 (2) One (1) member appointed from a list of two (2) nominees
32 submitted by the Arkansas Academy of Family Physicians;

33 (3) One (1) member appointed from a list of two (2) nominees
34 submitted by the Arkansas Chapter of the American College of Surgeons;

35 (4) One (1) member appointed from a list of two (2) nominees
36 submitted by the Arkansas Medical Society;

1 (5) ~~One (1) member~~ Four (4) members appointed from a list of ~~two~~
2 ~~(2) eight (8)~~ nominees submitted by the Arkansas Hospital Association;

3 (6) One (1) member appointed from a list of two (2) nominees
4 submitted by the Governor’s Emergency Medical Services Advisory Council;

5 (7) One (1) member appointed from a list of two (2) nominees
6 submitted by the Arkansas Emergency Nurses’ Association;

7 (8) One (1) member appointed from a list of two (2) nominees
8 submitted by the Arkansas Emergency Medical Technicians’ Association;

9 (9) One (1) member appointed from a list of two (2) nominees
10 submitted by the Arkansas Ambulance Association;

11 (10) One (1) member appointed from a list of two (2) nominees
12 submitted by the Arkansas Emergency Medical Services for Children Program;

13 (11) One (1) member appointed from a list of two (2) nominees
14 submitted by the Arkansas Trauma Society; ~~and~~

15 (12) One (1) member appointed from a list of two (2) nominees
16 submitted by the Arkansas Trauma Nurses’ Society;

17 (13) One (1) member appointed from a list of two (2) nominees
18 submitted by the Arkansas Spinal Cord Commission;

19 (14) One (1) member appointed from a list of two (2) nominees
20 submitted by the Arkansas Minority Health Commission;

21 (15) One (1) member appointed from a list of two (2) nominees
22 submitted by the Arkansas Medical, Dental and Pharmaceutical Association;

23 (16) One (1) member appointed to represent injury prevention;
24 and

25 ~~(12)~~(17) One (1) member appointed from the public at large as a
26 consumer representative who has an interest in trauma systems.

27 (c) The council shall also include four (4) voting members who have a
28 demonstrated interest in trauma systems to be appointed as follows:

29 (1) Two (2) members to be appointed by and to serve at the
30 pleasure of the President Pro Tempore of the Senate; and

31 (2) Two (2) members to be appointed by and to serve at the
32 pleasure of the Speaker of the House of Representatives.

33 ~~(e)~~(d) The following shall ~~also be~~ serve as non-voting ex-officio
34 members of the council:

35 (1) The Director of the Department of Health ~~and Human Services~~
36 or the director’s designee; and

1 (2) ~~The Director of the Highway Safety Program of the Arkansas~~
 2 ~~State Highway and Transportation Department;~~

3 ~~(3) The Director of the Department of Arkansas State Police or~~
 4 ~~the director's designee;~~

5 ~~(4) Two (2) members to be appointed by and to serve at the~~
 6 ~~pleasure of the President Pro Tempore of the Senate; and~~

7 ~~(5) Four (4) members to be appointed by and to serve at the~~
 8 ~~pleasure of the Speaker of the House of Representatives.~~

9
 10 20-13-808. Terms - Vacancies - Meetings - Rules.

11 ~~(a)(1) All voting members of the Trauma Advisory Council appointed by~~
 12 ~~the Governor shall be appointed for terms of four (4) two (2) years.~~

13 ~~(2)(b)(1) Vacancies shall be filled in the manner provided in this~~
 14 ~~subchapter for the original appointment. Persons appointed to fill vacancies~~
 15 ~~shall serve the unexpired portions of the terms. If a vacancy occurs in an~~
 16 ~~appointed position for any reason, the vacancy shall be filled in the manner~~
 17 ~~provided for the original appointment under § 20-13-807.~~

18 (2) The new appointee shall serve for the remainder of the
 19 unexpired term.

20 (c) A member of the council shall be removed for conviction of a
 21 felony, for not attending fifty percent (50%) of the meetings in a calendar
 22 year, or if the member no longer meets the qualifications for his or her
 23 initial appointment.

24 ~~(b)(d)(1) The members of the council shall elect from their membership~~
 25 ~~a chair, a vice chair, and a secretary-treasurer secretary, whose duties~~
 26 ~~shall be those customarily exercised by those officers or duties specifically~~
 27 ~~designated by the council.~~

28 (2) All officers shall serve for a period of one (1) year two
 29 (2) years and until their successors are elected.

30 (e)(1) Thirteen (13) of the voting members of the council shall
 31 constitute a quorum for the purpose of transacting business.

32 (2) Except for actions taken pursuant to subsection (g) of this
 33 section, all actions of the council shall be made by a majority of all voting
 34 members.

35 ~~(e)(f) The council shall meet at least two (2) four (4) times a year~~
 36 ~~but may meet more frequently upon the call of the chair or at the request,~~

1 stated in writing, of ~~any seven (7)~~ a majority of the members of the council.

2 (g)(1) To assist in the expeditious conduct of its business when the
 3 full council is not meeting, the council may elect an executive committee.

4 (2) The chair, vice-chair, and secretary of the council shall be
 5 members of the executive committee.

6 (3) The executive committee shall be constituted and shall
 7 function as provided in the bylaws of the council.

8 ~~(d)~~(h) The council shall establish its own rules of procedure.

9
 10 20-13-809. Grants for emergency medical system care providers or
 11 ambulance providers.

12 An emergency medical system care provider or ambulance provider may be
 13 eligible for:

14 (1) The emergency medical system care provider education start-
 15 up grants that are used to support trauma education and trauma readiness; or

16 (2) The emergency medical system care provider sustaining grants
 17 that are used to support ongoing trauma education and trauma readiness.

18
 19 20-13-810. Grants for Level I Trauma Centers.

20 (a)(1) An entity that meets the preliminary criteria for a Level I
 21 Trauma Center under the rules of the State Board of Health may be eligible
 22 for the Level I Trauma Center start-up grant that is used to qualify for the
 23 status of a Level I Trauma Center and for trauma readiness costs associated
 24 with the care of trauma patients.

25 (2) This grant may be awarded to entities that:

26 (A) Meet the preliminary criteria for Level I Trauma
 27 Center status as determined by the Department of Health; and

28 (B) Demonstrate the capability of fully achieving Level I
 29 Trauma Center status within eighteen (18) months.

30 (b)(1) An established Level I Trauma Center may be eligible for a
 31 sustaining grant if the Level I Trauma Center:

32 (A) Has achieved Level I Trauma Center status and is
 33 currently at Level I status; and

34 (B) Demonstrates continued capability to maintain Level I
 35 Trauma Center status.

36 (2) This grant may be an annual grant and may have an annual

1 renewal process for Level I Trauma Centers that meet the criteria under this
2 subsection.

3
4 20-13-811. Grants for Level II Trauma Centers.

5 (a) An entity that meets the preliminary criteria for a Level II
6 Trauma Center under the rules of the State Board of Health may be eligible
7 for the Level II Trauma Center start-up grant that is used to qualify for the
8 status of a Level II Trauma Center and for trauma readiness costs associated
9 with the care of trauma patients.

10 (2) This grant may be awarded to entities that:

11 (A) Meet the preliminary criteria for Level II Trauma
12 Center status as determined by the Department of Health; and

13 (B) Demonstrate the capability of fully achieving Level II
14 Trauma Center status within twelve (12) months.

15 (b)(1) An established Level II Trauma Center may be eligible for a
16 sustaining grant if the Level II Trauma Center:

17 (A) Has achieved Level II Trauma Center status and is
18 currently at Level II status; and

19 (B) Demonstrates continued capability to maintain Level II
20 Trauma Center status.

21 (2) This grant may be an annual grant and may have an annual
22 renewal process for Level II Trauma Centers that meet the criteria under this
23 subsection.

24
25 20-13-812. Grants for Level III Trauma Centers.

26 (a)(1) An entity that meets the preliminary criteria for a Level III
27 Trauma Center under the rules of the State Board of Health may be eligible
28 for the Level III Trauma Center start-up grant that is used to qualify for
29 the status of a Level III Trauma Center and for trauma readiness costs
30 associated with the care of trauma patients.

31 (2) This grant may be awarded to entities that:

32 (A) Meet the preliminary criteria for Level III Trauma
33 Center status as determined by the Department of Health; and

34 (B) Demonstrate the capability of fully achieving Level
35 III Trauma Center status within twelve (12) months.

36 (b)(1) An established Level III Trauma Center may be eligible for a

1 sustaining grant if the Level III Trauma Center:

2 (A) Has achieved Level III Trauma Center status and is
3 currently at Level III status; and

4 (B) Demonstrates continued capability to maintain Level
5 III Trauma Center status.

6 (2) This grant may be an annual grant and may have an annual
7 renewal process for Level III Trauma Centers that meet the criteria under
8 this subsection.

9

10 20-13-813. Grants for Level IV Trauma Centers.

11 (a)(1) An entity that meets the preliminary criteria for a Level IV
12 Trauma Center under the rules of the State Board of Health may be eligible
13 for the Level IV Trauma Center start-up grant that is used to qualify for the
14 status of a Level IV Trauma Center and for trauma readiness costs associated
15 with the care of trauma patients.

16 (2) This grant may be awarded to entities that:

17 (A) Meet the preliminary criteria for Level IV Trauma
18 Center status as determined by the Department of Health; and

19 (B) Demonstrate the capability of fully achieving Level IV
20 Trauma Center status within twelve (12) months.

21 (b)(1) An established Level IV Trauma Center may be eligible for a
22 sustaining grant if the Level IV Trauma Center:

23 (A) Has achieved Level IV Trauma Center status and is
24 currently at Level IV status; and

25 (B) Demonstrates continued capability to maintain Level IV
26 Trauma Center status.

27 (2) This grant may be an annual grant and may have an annual
28 renewal process for Level IV Trauma Centers that meet the criteria under this
29 subsection.

30

31 20-13-814. Grants for rehabilitation services.

32 Grants may be awarded to providers, entities, or organizations with
33 special competence in trauma rehabilitation services that provide
34 rehabilitation services under this subchapter to trauma patients.

35

36 20-13-815. Contracts with quality improvement organizations.

1 (a) An entity that meets the preliminary criteria for a quality
 2 improvement organization under the rules of the State Board of Health may
 3 contract with the Department of Health to develop, promulgate, and measure
 4 trauma quality measures for entities providing care for the Trauma System
 5 under this subchapter.

6 (b) This contract may be awarded to entities that:

7 (1) Meet the preliminary criteria for a quality improvement
 8 organization as determined by the Department of Health; and

9 (2) Demonstrate the capability of providing to the Trauma
 10 System, trauma centers, and other trauma care providers:

11 (A) The development of quality measures;

12 (B) The implementation of educational programs to trauma
 13 care providers related to quality measures and to improve the quality of
 14 care; and

15 (C) The gathering of data that can be used to measure the
 16 quality of care, outcomes, and utilization of resources.

17
 18 20-13-816. Grants for trauma regional advisory councils.

19 (a)(1) An entity that meets the preliminary criteria for a trauma
 20 regional advisory council under the rules of the State Board of Health may be
 21 eligible for recognition as a trauma regional advisory council.

22 (2) The Department of Health may establish a grant or provide
 23 technical assistance to entities that:

24 (A) Meet the preliminary criteria for a trauma regional
 25 advisory council as determined by the Department of Health; and

26 (B) Demonstrate the capability of satisfactorily
 27 developing, overseeing, and administering the trauma system plan for its
 28 region.

29 (b)(1) An established trauma regional advisory council may be eligible
 30 for a sustaining grant if the trauma regional advisory council:

31 (A) Has achieved the status as the trauma regional
 32 advisory council for its region of the Trauma System and is currently
 33 providing trauma planning and quality improvement services to its region of
 34 the Trauma System; and

35 (B) Demonstrates continued capability to maintain its
 36 status as a trauma regional advisory council based on its performance in

1 planning and overseeing the plan for its region of the Trauma System.

2 (2) This grant may be an annual grant and have an annual renewal
 3 process for a trauma regional advisory council that meets the criteria under
 4 this subsection.

5
 6 20-13-817. Command and communication networks.

7 (a) The Department of Health shall ensure operation of a call center
 8 to facilitate communication and coordination of available resources.

9 (b) The call center shall direct patient transport of critical trauma
 10 patients to hospitals with the appropriate capability to provide optimum
 11 patient care.

12 (c) The department may contract with entities to provide command and
 13 communication networks.

14
 15 20-13-818. Injury prevention programs.

16 The Department of Health shall allocate funds to develop and promote
 17 injury prevention programs including the development of the capacity to track
 18 and describe the epidemiologic and health statistics of injury deaths and
 19 disabilities in Arkansas.

20
 21 20-13-819. Quality or system assessment and improvement.

22 (a) Any data, records, reports, and documents collected or compiled by
 23 or on behalf of the Department of Health, the Trauma Advisory Council, or
 24 other entity authorized under this subchapter for the purpose of quality or
 25 system assessment and improvement shall not be subject to disclosure under
 26 the Freedom of Information Act of 1967, § 25-19-101 et seq., to the extent
 27 that it identifies or could be used to identify any individual patient,
 28 provider, institution, or health plan.

29 (b)(1) Any data, records, reports, and documents collected or compiled
 30 by or on behalf of the Department of Health, the Trauma Advisory Council, or
 31 other entity authorized under this subchapter for the purpose of quality or
 32 system assessment and improvement shall not be admissible in any legal
 33 proceeding and shall be exempt from discovery and disclosure to the same
 34 extent that records of and testimony before committees evaluating the quality
 35 of medical or hospital care are exempt under § 16-46-105(a)(1).

36 (2) A healthcare provider's use of the information in its

1 internal operations shall not operate as a waiver of these protections.

2 (c) All information shall be treated in a manner that is consistent
 3 with all state and federal privacy requirements, including without limitation
 4 the federal Health Insurance Portability and Accountability Act of 1996
 5 privacy rule, 45 C.F.R. § 164.512(i).

6 (d)(1) The director of the Department of Health may provide any data,
 7 records, reports, or documents collected or compiled by the department, the
 8 Trauma Advisory Council, or other entities authorized under this subchapter
 9 available to the Arkansas Health Data Initiative, §§ 20-8-401 – 20-8-404.

10 (2) Any information provided shall only be used for purposes
 11 consistent with this subchapter and with the express consent of the director
 12 of the department.

13 (e) The Department of Health or other entity authorized to provide
 14 services for the Trauma System may use any data, records, reports, or
 15 documents generated or acquired in its internal operations without waiving
 16 any protections under this section.

17
 18 20-13-820. Reports to the General Assembly.

19 The Director of the Department of Health shall provide an annual report
 20 to the Senate Committee on Public Health, Welfare, and Labor and the House
 21 Committee on Public Health, Welfare, and Labor on or before April 1 and
 22 October 1 of each year.

23
 24 20-13-821. Rules.

25 The State Board of Health shall promulgate the rules necessary to
 26 implement and administer this subchapter.

27
 28 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the General
 29 Assembly of the State of Arkansas that the state incurs a massive expense
 30 from trauma in lives lost, productive years destroyed, and the emotional and
 31 monetary expense of caring for victims of trauma; that a coordinated and
 32 comprehensive system of trauma care has shown in other states to improve
 33 overall trauma problems; and that this act is immediately necessary because
 34 the current law must be amended to provide for a coordinated and
 35 comprehensive trauma system to ensure that all trauma victims have the
 36 greatest chance for survival and a reduced risk for permanently disabling

1 injuries. Therefore, an emergency is declared to exist and this act being
2 necessary for the preservation of the public peace, health, and safety shall
3 become effective on July 1, 2009.

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