

AMENDMENTS TO LB 738

Introduced by Health and Human Services.

1 1. Strike the original sections and insert the following
2 new sections:

3 Section 1. Section 81-653, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 81-653 ~~It is the intent of sections 81-653 to 81-661 (1)~~
6 Sections 81-653 to 81-660 and section 8 of this act shall be known
7 and may be cited as the Brain Injury Registry Act.

8 (2) The intent of the Brain Injury Registry Act is
9 to require the establishment and maintenance of a ~~brain injury~~
10 ~~registry~~ Brain Injury Registry in and for the State of Nebraska.
11 The purpose of the ~~brain injury registry~~ Brain Injury Registry is
12 to provide a central data bank of accurate, precise, and current
13 information ~~which will to assist~~ in the statistical identification
14 ~~and of persons with brain or head injury, planning for the~~
15 treatment and rehabilitation of such persons, and with brain or
16 ~~head injury and in~~ the prevention of such injury.

17 Sec. 2. Section 81-654, Revised Statutes Supplement,
18 2007, is amended to read:

19 81-654 For purposes of ~~sections 81-653 to 81-661:~~ the
20 Brain Injury Registry Act:

21 ~~(1) Brain injury registry shall mean the system of~~
22 ~~reporting established by sections 81-653 to 81-661 in which cases~~
23 ~~of brain or head injury in this state are reported and recorded~~

1 in order to achieve the goals of statistical identification and
2 planning for treatment and rehabilitation of persons with brain or
3 head injury and prevention of such injury;

4 ~~(2)~~ (1) Brain or head injury shall mean means clinically
5 evident neurotrauma resulting directly or indirectly from closed
6 or penetrating brain or head trauma, infection, febrile condition,
7 anoxia, vascular lesions, toxin, or spinal cord injury, not
8 primarily related to congenital or degenerative conditions,
9 chemical dependency, or aging processes, which impairs mental,
10 cognitive, behavioral, or physical functioning; and

11 ~~(3)~~ (2) Department shall mean means the Department of
12 Health and Human Services.

13 Sec. 3. Section 81-655, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 81-655 The department shall establish and maintain a
16 ~~central registry~~ Brain Injury Registry. The registry shall consist
17 of information concerning persons with brain or head injury
18 that occurs within the state. The registry shall include such
19 information as ~~, which information~~ the department deems necessary
20 and appropriate for the statistical identification ~~and~~ of persons
21 with brain or head injury, planning for the treatment and
22 rehabilitation of such persons, ~~with brain or head injury and~~
23 the prevention of such injury. Any information released from the
24 registry shall be disclosed as Class I, Class II, and Class IV data
25 as provided in sections 81-663 to 81-675.

26 Sec. 4. Section 81-656, Revised Statutes Cumulative
27 Supplement, 2006, is amended to read:

1 81-656 In order to implement the intent and purposes
2 of ~~section 81-653,~~ the Brain Injury Registry Act, the department
3 shall:

4 (1) Adopt and promulgate necessary rules and regulations,
5 ~~including to carry out the act, including, but not limited~~
6 to, a uniform system of classification of brain or head injury
7 which is consistent with medically and clinically accepted
8 standards and definitions for use in reporting by treating medical
9 personnel and hospitals. ~~The~~ In adopting and promulgating such
10 rules and regulations, the department shall be guided by the
11 standards and definitions of the International Classification of
12 Disease, Clinical Modification Coding System of the World Health
13 Organization; and

14 (2) Execute any contracts that the department deems
15 necessary to carry out the act; and

16 ~~(2)~~ (3) Comply with all necessary requirements in order
17 to obtain funds or grants.

18 Sec. 5. Section 81-657, Revised Statutes Supplement,
19 2007, is amended to read:

20 81-657 (1) If a person with brain or head injury is
21 ~~not admitted to a hospital within the state but is treated in~~
22 this state in the office of a physician or psychologist licensed
23 ~~under the Uniform Credentialing Act,~~ to practice in this state
24 but is not admitted to a hospital within this state, the treating
25 physician or psychologist shall provide a report ~~the brain or head~~
26 of such injury to the department within thirty days after such
27 treatment and identification of the person sustaining such injury.

1 ~~Each treating physician or psychologist shall be required to report~~
2 ~~each brain or head injury only one time.~~

3 ~~(2) Each hospital and each rehabilitation center located~~
4 ~~within a hospital in the State of Nebraska shall annually report to~~
5 ~~the department a brain or head injury which results in admission or~~
6 ~~treatment.~~

7 (2) If a person with a brain or head injury is
8 admitted to or treated at a hospital or at a rehabilitation
9 center located within a hospital in this state, such hospital or
10 rehabilitation center shall provide a report of such injury to the
11 department within thirty days after such admission or treatment and
12 identification of the person sustaining such injury.

13 (3) ~~The report~~ A report provided under this section shall
14 contain the following information about the person sustaining the
15 who has sustained a brain or head injury:

- 16 (a) Name;
- 17 (b) Social security number;
- 18 (c) Date of birth;
- 19 (d) Gender;
- 20 (e) Residence;
- 21 (f) Date of the injury;
- 22 (g) Final diagnosis or classification of the injury
- 23 according to the International Classification of Disease, Clinical
- 24 Modification Coding System, as adopted by the department;
- 25 (h) Cause of the injury and, if practicable, whether the
- 26 injury resulted from an accident involving the use of alcohol;
- 27 (i) Place or site of occurrence of the injury;

- 1 (j) Identification of the reporting source;
- 2 (k) Dispensation upon discharge;
- 3 (l) Payor source; and
- 4 (m) Any additional information the department ~~can~~
5 ~~demonstrate is reasonable in order to implement the purposes stated~~
6 ~~in section 81-653.~~ deems necessary and appropriate to carry out the
7 purposes of the Brain Injury Registry Act.

8 Sec. 6. Section 81-659, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 81-659 No patient-identifying data as defined in section
11 81-664 shall be ~~divulged,~~ disclosed, made public, or released by
12 the department to any public or private person or entity. All other
13 data obtained from medical records of persons sustaining brain or
14 head injury is for the confidential use as Class I, Class II, or
15 Class IV data of the department and the private or public persons
16 or entities that the department determines may view such records as
17 provided in sections 81-663 to 81-675.

18 Sec. 7. Section 81-660, Revised Statutes Cumulative
19 Supplement, 2006, is amended to read:

20 81-660 No physician, psychologist, hospital, or
21 administrator, officer, or employee of a hospital or medical
22 professional who is in compliance with sections 81-657 and 81-663
23 to 81-675 shall be civilly or criminally liable for ~~divulging~~
24 disclosing the information required ~~pursuant to~~ under section
25 81-657.

26 Sec. 8. Within thirty days after receiving a report of
27 a brain or head injury, the department shall provide relevant and

1 timely information to the person with such injury to assist such
2 person in accessing necessary and appropriate services relating
3 to such injury. The department may develop such information or
4 utilize information developed by other sources and approved by the
5 department. The department may provide such information directly or
6 contract with an appropriate entity to facilitate the provision of
7 such information. Costs associated with providing such information
8 shall be paid from cash funds, gifts, and grants. No funds from the
9 General Fund shall be used to pay such costs. Funds received by the
10 department for the payment of such costs shall be remitted to the
11 State Treasurer for credit to the Health and Human Services Cash
12 Fund. The department shall not be required to provide information
13 under this section if sufficient funding is unavailable.

14 Sec. 9. Section 81-664, Revised Statutes Supplement,
15 2007, is amended to read:

16 81-664 For purposes of sections 81-663 to 81-675:

17 (1) Aggregate data means data contained in the medical
18 record and health information registries maintained by the
19 department which is compiled in a statistical format and which does
20 not include patient-identifying data;

21 (2) Approved researcher means an individual or entity
22 which is approved by the department pursuant to section 81-666 to
23 obtain access to data contained in the medical record and health
24 information registries maintained by the department to assist in
25 the scientific or medical research for the prevention, cure, or
26 control of a disease or injury process;

27 (3) Case-specific data means data contained in the

1 medical record and health information registries concerning a
2 specific individual other than patient-identifying data;

3 (4) Department means the Department of Health and Human
4 Services;

5 (5) Medical record and health information registry means
6 the system of reporting certain medical conditions occurring
7 in this state, as prescribed by law, which are reported and
8 recorded in order to achieve the goals of prevention, cure, and
9 control through research and education, and includes the birth
10 defects registry established in section 71-646, the cancer registry
11 established in sections 81-642 to 81-650, the ~~brain injury registry~~
12 ~~established in sections 81-653 to 81-661,~~ Brain Injury Registry
13 established pursuant to the Brain Injury Registry Act, and the
14 Parkinson's Disease Registry established in the Parkinson's Disease
15 Registry Act;

16 (6) Patient-identifying data means the patient's name,
17 address, record number, symbol, or other identifying particular
18 assigned to or related to an individual patient; and

19 (7) Research means study specific to the diseases or
20 injuries for which access to data is requested and which is
21 dedicated to the prevention, cure, or control of the diseases or
22 injuries.

23 Sec. 10. Original sections 81-653, 81-655, and 81-659,
24 Reissue Revised Statutes of Nebraska, sections 81-656 and 81-660,
25 Revised Statutes Cumulative Supplement, 2006, and sections 81-654,
26 81-657, and 81-664, Revised Statutes Supplement, 2007, are
27 repealed.

- 1 Sec. 11. The following section is outright repealed:
- 2 Section 81-661, Revised Statutes Supplement, 2007.