

AMENDMENTS TO LB 185

Introduced by Erdman, 47

1 1. Strike the original sections 10 and 12 and insert the
2 following new sections:

3 Sec. 5. Section 71-5185, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 71-5185 (1) No patient data received or recorded by an
6 emergency medical service or an out-of-hospital emergency care
7 provider shall be divulged, made public, or released by an
8 emergency medical service or an out-of-hospital emergency care
9 provider, except that patient data may be released ~~to the receiving~~
10 ~~health care facility,~~ to the department for public health purposes,
11 upon the written authorization of the patient who is the subject
12 of the record, for purposes of treatment, payment, and other health
13 care operations as defined and permitted under the federal Health
14 Insurance Portability and Accountability Act of 1996, as such act
15 existed on January 1, 2007, or as otherwise permitted by law. Such
16 data shall be provided to the department for public health purposes
17 pursuant to rules and regulations of the department. For purposes
18 of this section, patient data means any data received or recorded
19 as part of the records maintenance requirements of the Emergency
20 Medical Services Act.

21 (2) Patient data received by the department shall be
22 confidential with release only (a) in aggregate data reports
23 created by the department on a periodic basis or at the request

1 of an individual, ~~or~~ (b) as case-specific data to approved
2 researchers for specific research projects, (c) as protected
3 health information to a public health authority, as such terms
4 are defined under the federal Health Insurance Portability and
5 Accountability Act of 1996, as such act existed on January
6 1, 2007, and (d) as protected health information, as defined
7 under the federal Health Insurance Portability and Accountability
8 Act of 1996, as such act existed on January 1, 2007, to an
9 emergency medical service, to an out-of-hospital emergency care
10 provider, or to a licensed health care facility for purposes
11 of treatment. A record may be shared with the emergency medical
12 service or out-of-hospital emergency care provider that reported
13 that specific record. Approved researchers shall maintain the
14 confidentiality of the data, and researchers shall be approved in
15 the same manner as described in section 81-666. Aggregate reports
16 shall be public documents. ~~Emergency-medical-service-specific data~~
17 ~~and out-of-hospital-emergency-care-provider-specific data shall be~~
18 ~~released only upon the written authorization of the service or the~~
19 ~~provider who is the subject of the record.~~

20 (3) No civil or criminal liability of any kind or
21 character for damages or other relief or penalty shall arise or
22 be enforced against any person or organization by reason of having
23 provided patient data pursuant to this section.

24 Sec. 9. Section 71-8249, Reissue Revised Statutes of
25 Nebraska, is amended to read:

26 71-8249 (1) All data collected under section 71-8248
27 shall be held confidential pursuant to sections 81-663 to 81-675.

1 Confidential patient medical record data shall only be released as
2 (a) Class I, II, or IV medical records under sections 81-663 to
3 81-675, (b) aggregate data to the regional trauma system quality
4 assurance program and the regional trauma advisory boards, (c) as
5 protected health information to a public health authority, as such
6 terms are defined under the federal Health Insurance Portability
7 and Accountability Act of 1996, as such act existed on January 1,
8 2007, and (d) as protected health information, as defined under
9 the federal Health Insurance Portability and Accountability Act of
10 1996, as such act existed on January 1, 2007, to an emergency
11 medical service, to an out-of-hospital emergency care provider, to
12 a licensed health care facility, or to a center that will treat or
13 has treated a specific patient.

14 A record may be shared with the emergency medical
15 service, the out-of-hospital emergency provider, the licensed
16 health care facility, or center that reported that specific record.

17 (2) Patient care quality assurance proceedings, records,
18 and reports developed pursuant to this section and section
19 71-8248 are confidential and are not subject to discovery by
20 subpoena or admissible as evidence in any civil action, except
21 pursuant to a court order which provides for the protection
22 of sensitive information of interested parties, including the
23 department, pursuant to section 25-12,123.

24 Sec. 10. Section 71-8252, Reissue Revised Statutes of
25 Nebraska, is amended to read:

26 71-8252 The regional trauma advisory boards:

27 (1) Shall advise the department on matters relating to

1 the delivery of trauma care services within the trauma care region;

2 (2) Shall ~~provide~~ evaluate data and provide analysis
3 required by the department to assess the effectiveness of the
4 statewide trauma system; and

5 (3) May apply for, receive, and accept gifts and other
6 payments, including property and services, from any governmental or
7 other public or private entity or person and may make arrangements
8 as to the use of these receipts, including any activities related
9 to the design, maintenance, or enhancements of the statewide trauma
10 system in the trauma care region. Regional trauma advisory boards
11 shall report in the regional budget the amount, source, and purpose
12 of all gifts and payments.

13 Sec. 13. Sections 1, 13, 14, and 16 of this act become
14 operative on their effective date. The other sections of this act
15 become operative three calendar months after adjournment of this
16 legislative session.

17 Sec. 15. Original sections 71-629, 71-5185, 71-6726,
18 71-6733, 71-8249, and 71-8252, Reissue Revised Statutes of
19 Nebraska, and sections 68-919, 68-921, 71-6039, 81-647, and 81-671,
20 Revised Statutes Cumulative Supplement, 2006, are repealed.

21 2. Renumber the remaining sections accordingly.