



Hundredth Legislature - First Session - 2007
Committee Statement
LB 103

Hearing Date: January 19, 2007

Committee On: Health and Human Services

Introducer(s): (Erdman, 47)

Title: Authorize release of patient information and change provisions relating to regional trauma advisory boards

Roll Call Vote – Final Committee Action:

- Advanced to General File
 - X Advanced to General File with Amendments
 - Indefinitely Postponed
-

Vote Results:

7	Yes	Senator(s): Johnson, Erdman, Hansen, Howard, Gay, Stuthman, Pankonin
	No	
	Present, not voting	
	Absent	

Proponents:

Senator Erdman
Joann Schaefer M.D.

Representing:

Introducer
Health and Human Services System

Opponents:

Representing:

Neutral:

Representing:

Summary of purpose and/or changes:

LB 103 (Erdman) Authorize release of patient information and change provisions relating to regional trauma advisory boards.

LB 103 relates to patient information, emergency medical services, and regional trauma advisory boards.

The bill broadens provisions regarding the release of patient data received by the Department of Health and Human Services Regulation and Licensure (department) under the Emergency Medical Services Act. Data may be released (1) to a public health authority as the term is defined in the federal Health Insurance Portability and Accountability Act of 1996

(HIPAA), and (2) as protected health information, as defined in HIPAA, to (a) an emergency medical service (EMS), (b) an out-of-hospital emergency care provider, or (c) a licensed health care facility for purposes of treatment. The bill provides that a record may also be shared with the EMS or out-of-hospital emergency care provider that reported the specific record.

The bill deletes a provision in section 71-5185 that restricts the release of EMS specific data and out-of-hospital care provider specific data only upon the written authorization of the service or provider who is the subject of the record.

The bill broadens provisions regarding the release of information collected for the statewide trauma registry (section 71-8248). The bill provides that such information may be released (1) as aggregate data to the regional trauma system quality assurance program and the regional trauma advisory boards, (2) to a public health authority as the term is defined in the federal Health Insurance Portability and Accountability Act of 1996 (HIPAA), and (3) as protected health information, as defined in HIPAA, to (a) an emergency medical service (EMS), (b) an out-of-hospital emergency care provider, (c) a licensed health care facility, or (d) a center that will treat or has treated a specific patient. The bill provides that a record may also be shared with the EMS, out-of-hospital emergency care provider, licensed health care facility, or center that reported the specific record.

The bill changes duties of regional trauma advisory boards in section 71-8252. Current law requires the boards to “provide data required by the department to assess the effectiveness of the statewide trauma system” (emphasis added). LB 103 would require the boards to evaluate and provide analysis of data as required by the department, but would no longer require the boards to provide data.

The committee amendment (AM 201) changes provisions relating to the release of patient data received or recorded by an emergency medical service or an out-of-hospital emergency care provider. The amendment provides that such data may be released “for purposes of treatment, payment, and other health care operations as defined and permitted under [HIPAA]” or as otherwise permitted by law. The amendment requires that such data be released to the department for public health purposes pursuant to rules and regulations of the department. Current law permits the release, but doesn’t require it. The amendment also updates references to federal HIPAA legislation as such existed on January 1, 2007

Explanation of amendments, if any:

Senator Joel Johnson, Chairperson