

LEGISLATURE OF NEBRASKA
ONE HUNDREDTH LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 103

Introduced By: Erdman, 47
Read first time: January 7, 2007
Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to emergency medical services; to amend
2 sections 71-5185, 71-8249, and 71-8252, Reissue Revised
3 Statutes of Nebraska; to authorize the release of patient
4 information as prescribed; to change provisions relating to
5 regional trauma advisory boards; and to repeal the original
6 sections.

7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 71-5185, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 71-5185. (1) No patient data received or recorded by an
4 emergency medical service or an out-of-hospital emergency care
5 provider shall be divulged, made public, or released by an emergency
6 medical service or an out-of-hospital emergency care provider, except
7 that patient data may be released to ~~the~~ a receiving licensed
8 health care facility, to the department for public health purposes,
9 upon the written authorization of the patient who is the subject of
10 the record, or as otherwise permitted by law. For purposes of this
11 section, patient data means any data received or recorded as part of
12 the records maintenance requirements of the Emergency Medical Services
13 Act.

14 (2) Patient data received by the department shall be
15 confidential with release only (a) in aggregate data reports created
16 by the department on a periodic basis or at the request of an
17 individual, ~~or~~ (b) as case-specific data to approved researchers
18 for specific research projects, (c) as protected health information
19 to a public health authority, as such terms are defined under the
20 federal Health Insurance Portability and Accountability Act of 1996,
21 and (d) as protected health information, as defined under the federal
22 Health Insurance Portability and Accountability Act of 1996, to an
23 emergency medical service, to an out-of-hospital emergency care
24 provider, or to a licensed health care facility for purposes of
25 treatment. A record may be shared with the emergency medical service
26 or out-of-hospital emergency care provider that reported that
27 specific record. Approved researchers shall maintain the

1 confidentiality of the data, and researchers shall be approved in the
2 same manner as described in section 81-666. Aggregate reports shall be
3 public documents. ~~Emergency medical service specific data and~~
4 ~~out of hospital emergency care provider specific data shall be~~
5 ~~released only upon the written authorization of the service or the~~
6 ~~provider who is the subject of the record.~~

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

11 Sec. 2. Section 71-8249, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 71-8249. (1) All data collected under section 71-8248
14 shall be held confidential pursuant to sections 81-663 to 81-675.
15 Confidential patient medical record data shall only be released as
16 (a) Class I, II, or IV medical records under sections 81-663 to
17 81-675, (b) aggregate data to the regional trauma system quality
18 assurance program and the regional trauma advisory boards, (c) as
19 protected health information to a public health authority, as such
20 terms are defined under the federal Health Insurance Portability and
21 Accountability Act of 1996, and (d) as protected health information,
22 as defined under the federal Health Insurance Portability and
23 Accountability Act of 1996, to an emergency medical service, to an
24 out-of-hospital emergency care provider, to a licensed health care
25 facility, or to a center that will treat or has treated a specific
26 patient.

27 A record may be shared with the emergency medical service,

1 the out-of-hospital emergency provider, the licensed health care
2 facility, or center that reported that specific record.

3 (2) Patient care quality assurance proceedings, records,
4 and reports developed pursuant to this section and section 71-8248 are
5 confidential and are not subject to discovery by subpoena or
6 admissible as evidence in any civil action, except pursuant to a court
7 order which provides for the protection of sensitive information of
8 interested parties, including the department, pursuant to section
9 25-12,123.

10 Sec. 3. Section 71-8252, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 71-8252. The regional trauma advisory boards:

13 (1) Shall advise the department on matters relating to the
14 delivery of trauma care services within the trauma care region;

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

18 (3) May apply for, receive, and accept gifts and other
19 payments, including property and services, from any governmental or
20 other public or private entity or person and may make arrangements as
21 to the use of these receipts, including any activities related to the
22 design, maintenance, or enhancements of the statewide trauma system in
23 the trauma care region. Regional trauma advisory boards shall report
24 in the regional budget the amount, source, and purpose of all gifts
25 and payments.

26 Sec. 4. Original sections 71-5185, 71-8249, and 71-8252,
27 Reissue Revised Statutes of Nebraska, are repealed.

