

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 395

Introduced by Fulton, 29.

Read first time January 16, 2009

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to health; to amend section 81-664, Reissue
2 Revised Statutes of Nebraska; to adopt the Stroke
3 Registry Act; to redefine a term; and to repeal the
4 original section.

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

1 Section 1. Sections 1 to 8 of this act shall be known and
2 may be cited as the Stroke Registry Act.

3 Sec. 2. The intent of the Stroke Registry Act is to
4 require the establishment and maintenance of a stroke registry for
5 the State of Nebraska.

6 Sec. 3. For purposes of the Stroke Registry Act:

7 (1) Stroke means any sudden diminution or loss of
8 consciousness, sensation, and voluntary motion caused by the
9 rupture or obstruction of a blood vessel of the brain; and

10 (2) Department means the Department of Health and Human
11 Services.

12 Sec. 4. The department shall establish and maintain
13 a stroke registry. The registry shall consist of information
14 concerning persons who have experienced a stroke within the state.
15 The stroke registry shall compile information and statistics on
16 stroke care that align with the consensus metrics developed
17 and approved by the Centers for Disease Control and Prevention,
18 the Joint Commission, and the American Heart Association for
19 the purposes of quality improvement in stroke care, treatment,
20 prevention, rehabilitation, and education. Any information released
21 from the registry shall be disclosed as Class I, Class II, or Class
22 IV data as provided in sections 81-663 to 81-675.

23 Sec. 5. In order to implement the intent and purposes of
24 the Stroke Registry Act, the department shall:

25 (1) Adopt and promulgate necessary rules and regulations

1 to carry out the act, including, but not limited to, a uniform
2 system of classification of strokes which is consistent with
3 medically and clinically accepted standards and definitions for
4 use in reporting by treating medical personnel and hospitals.
5 In adopting and promulgating such rules and regulations, the
6 department shall be guided by the standards and definitions of
7 the International Classification of Disease, Clinical Modification
8 Coding System of the World Health Organization, as adopted by the
9 department;

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

12 (3) Comply with all necessary requirements in order to
13 obtain funds or grants.

14 Sec. 6. (1) If a person diagnosed with a stroke is
15 treated in this state in the office of a physician licensed under
16 the Uniform Credentialing Act, but is not admitted to a hospital
17 in this state, the treating physician shall provide a report of
18 a stroke containing all information the department deems necessary
19 and appropriate to carry out the purposes of the Stroke Registry
20 Act to the department within thirty days after such treatment and
21 identification of the person diagnosed with a stroke.

22 (2) If a person diagnosed with a stroke is admitted or
23 treated at a hospital or at a rehabilitation center located within
24 a hospital in this state, such hospital or rehabilitation center
25 shall provide a report of a stroke containing all information

1 the department deems necessary and appropriate to carry out the
2 purposes of the act to the department within thirty days after
3 the discharge of such person from such hospital or rehabilitation
4 center.

5 Sec. 7. No patient-identifying data as defined in section
6 81-664 shall be disclosed, made public, or released by the
7 department to any public or private person or entity. All other
8 data obtained from medical records of persons diagnosed with a
9 stroke is for the confidential use as Class I, Class II, or Class
10 IV data of the department and the private or public persons or
11 entities that the department determines may view such records as
12 provided in sections 81-663 to 81-675.

13 Sec. 8. No physician, psychologist, hospital, or
14 administrator, officer, or employee of a hospital or medical
15 professional who is in compliance with section 6 of this act and
16 sections 81-663 to 81-675 shall be civilly or criminally liable for
17 disclosing the information required under section 6 of this act.

18 Sec. 9. Section 81-664, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 81-664 For purposes of sections 81-663 to 81-675:

21 (1) Aggregate data means data contained in the medical
22 record and health information registries maintained by the
23 department which is compiled in a statistical format and which does
24 not include patient-identifying data;

25 (2) Approved researcher means an individual or entity

1 which is approved by the department pursuant to section 81-666 to
2 obtain access to data contained in the medical record and health
3 information registries maintained by the department to assist in
4 the scientific or medical research for the prevention, cure, or
5 control of a disease or injury process;

6 (3) Case-specific data means data contained in the
7 medical record and health information registries concerning a
8 specific individual other than patient-identifying data;

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

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

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

25 (7) Research means study specific to the diseases or

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1 injuries for which access to data is requested and which is
2 dedicated to the prevention, cure, or control of the diseases or
3 injuries.

4 Sec. 10. Original section 81-664, Reissue Revised
5 Statutes of Nebraska, is repealed.