

LEGISLATIVE BILL 308

Approved by the Governor April 15, 1992

Introduced by Lynch, 13; Rasmussen, 20; Crosby, 29;
Horgan, 4

AN ACT relating to public health and welfare; to define terms; to create a registry of persons with brain or head injury; to provide duties for the Department of Health, other state agencies, health care facilities, and medical personnel; to provide for rules and regulations; to provide for confidentiality of information; to provide for immunity as prescribed; and to provide a termination date. Be it enacted by the people of the State of Nebraska,

Section 1. It is the intent of sections 1 to 9 of this act to require the establishment and maintenance of a brain injury registry for the State of Nebraska. The purpose of the brain injury registry is to provide a central data bank of accurate, precise, and current information which will assist in the statistical identification and planning for treatment and rehabilitation of persons with brain or head injury and in the prevention of such injury.

Sec. 2. For purposes of sections 1 to 9 of this act:

(1) Brain injury registry shall mean the system of reporting established by sections 1 to 9 of this act in which cases of brain or head injury in this state are reported and recorded in order to achieve the goals of statistical identification and planning for treatment and rehabilitation of persons with brain or head injury and prevention of such injury;

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

(3) Department shall mean the Department of Health.

Sec. 3. The department shall establish and maintain a central registry of information concerning

persons with brain or head injury that occurs within the state, which information the department deems necessary and appropriate for the statistical identification and planning for treatment and rehabilitation of persons with brain or head injury and prevention of such injury.

Sec. 4. In order to implement the intent and purposes of section 1 of this act, the department shall:

(1) Adopt and promulgate necessary rules and regulations, including a uniform system of classification of brain or head injury which is consistent with medically and clinically accepted standards and definitions for use in reporting by treating medical personnel and hospitals. The department shall be guided by the standards and definitions of the International Classification of Disease, Clinical Modification Coding System of the World Health Organization;

(2) Execute contracts that the department deems necessary;

(3) Receive and record the data obtained from the medical records of persons with brain or head injury;

(4) Compile and publish a statistical report annually or at reasonable intervals containing information obtained from patient data pursuant to such sections in order to provide accessible information useful to medical personnel and the public; and

(5) Comply with all necessary requirements in order to obtain funds or grants.

Sec. 5. (1) If a person with brain or head injury is not admitted to a hospital within the state but is treated in this state in the office of a physician or psychologist licensed under the Uniform Licensing Law, the treating physician or psychologist shall report the brain or head injury to the department within thirty days after identification of the person sustaining such injury. Each treating physician or psychologist shall be required to report each brain or head injury only one time.

(2) Each hospital within the state shall report a brain or head injury which results in inpatient admission or outpatient treatment to the department within thirty days after discharge of the person sustaining such injury.

(3) The report shall contain the following information about the person sustaining the injury:

- (a) Name;
- (b) Social security number;
- (c) Date of birth;

(d) Residence;
 (e) Date of the injury;
 (f) Final diagnosis or classification of the injury according to the International Classification of Disease, Clinical Modification Coding System, as adopted by the department;

(g) Cause of the injury;
 (h) Identification of the reporting source;
 (i) Dispensation upon discharge; and
 (j) Any additional information the department can demonstrate is reasonable in order to implement the purposes stated in section 1 of this act.

Sec. 6. (1) Inpatient, postacute care facilities, including nursing homes and rehabilitation centers, shall report the treatment of persons with brain or head injury to the department biannually. The report for the months of January through June shall be due on the following August 1, and the report for the months of July through December shall be due on February 1 of the following year.

(2) The reports shall contain the following information about the person sustaining the injury:

(a) Name;
 (b) Social security number;
 (c) Date of birth;
 (d) Preadmission residence;
 (e) Admitting diagnosis;
 (f) Cause of the injury;
 (g) Length of stay at the facility, including dates of admission and discharge;
 (h) Dispensation upon discharge;
 (i) Identification of reporting source; and
 (j) Any additional information the department can demonstrate is reasonable in order to implement the purposes stated in section 1 of this act.

Sec. 7. No patient-identifying data as defined in section 81-643 shall be divulged, made public, or released by the department to any public or private person or entity. All other data obtained from medical records of persons sustaining brain or head injury is for the confidential use of the department and the private or public persons or entities that the department determines may view such records in order to carry out sections 1 to 9 of this act. Such information shall be privileged and shall not otherwise be divulged or made public so as to disclose the identity of a person whose medical records have been used for acquiring data. Statistical information developed or collected pursuant to such sections shall be open and

accessible to the public and shall not be considered medical records pursuant to section 84-712.05.

Sec. 8. No physician, psychologist, hospital, or administrator, officer, or employee of a hospital or medical professional who is in compliance with sections 5 and 6 of this act shall be civilly or criminally liable for divulging the information required pursuant to such sections.

Sec. 9. The Department of Correctional Services, the Department of Health and its division of developmental disabilities, the Department of Public Institutions, the Department of Social Services, the State Department of Education and its divisions of special education and vocational rehabilitation, and all other state agencies which serve persons with brain or head injury shall recognize brain or head injury as a distinct disability and shall identify those persons with brain or head injury among the persons served by the agency. Such agencies shall utilize the brain injury registry for improvement of state services for persons with brain or head injury.

Sec. 10. Sections 1 to 10 of this act shall terminate on June 30, 2001, unless reenacted or reestablished by the Legislature.