

REFERENCE TITLE: emergency medical services

State of Arizona  
Senate  
Forty-eighth Legislature  
Second Regular Session  
2008

# SB 1149

Introduced by  
Senator O'Halleran; Representative Mason; Senator Allen

AN ACT

AMENDING SECTIONS 36-2220, 36-2221, 36-2222 AND 36-2225, ARIZONA REVISED  
STATUTES; MAKING AN APPROPRIATION; RELATING TO EMERGENCY MEDICAL SERVICES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 36-2220, Arizona Revised Statutes, is amended to  
3 read:

4 36-2220. Records; confidentiality; definition

5 A. Information developed, ~~and~~ records kept AND DATA COLLECTED by the  
6 department or a political subdivision of this state for the purpose of  
7 administering or evaluating the Arizona emergency medical services system or  
8 for the trauma system are available to the public except:

9 1. Any patient record including clinical records, prehospital care  
10 records, medical reports, laboratory statements and reports, any file, film,  
11 record or report or oral statement relating to diagnostic findings, treatment  
12 or outcome of patients, whether written or recorded, and any information from  
13 which a patient, the patient's family or the patient's health care provider  
14 or facility might be identified except records, files and information shall  
15 be available to the patient, the patient's guardian or the patient's agent.

16 2. Information obtained AND DATA COLLECTED for purposes of chapter 25  
17 or chapter 4, article 5 of this title.

18 B. Unless otherwise provided by law, all medical records developed and  
19 kept by a prehospital component of the statewide trauma system and  
20 information contained in these records are confidential and may not be  
21 released to the public without written authorization by the patient, the  
22 patient's guardian or the patient's agent.

23 C. Notwithstanding subsection B of this section, a prehospital  
24 incident history report completed and kept by a nonhospital political  
25 subdivision of this state is available to the public except for information  
26 in that report that is protected from disclosure by the laws of this state or  
27 federal law, including but not limited to confidential patient treatment  
28 information.

29 D. Patient records and medical records covered by this section may be  
30 obtained pursuant to section 12-2294.01.

31 E. Information, documents and records received by the department or  
32 prepared by the department in connection with an investigation that is  
33 conducted pursuant to this article AND that relates to emergency medical  
34 technicians are confidential and are not subject to public inspection or  
35 civil discovery. ~~When the investigation has been completed and the~~  
36 ~~investigation file has been closed,~~ The results of the investigation and the  
37 decision of the department shall be ARE available to the public AFTER THE  
38 INVESTIGATION IS COMPLETED AND THE INVESTIGATION FILE IS CLOSED.

39 F. For the purposes of this section, "prehospital incident history  
40 report" means a record of the prehospital response, nature of the incident  
41 and transportation of an emergency medical services patient that is  
42 documented on a prehospital incident history report.

1 Sec. 2. Section 36-2221, Arizona Revised Statutes, is amended to read:

2 36-2221. Requirements; confidentiality; violation;  
3 classification

4 A. Trauma centers shall submit to the department a uniform data set  
5 for the trauma patient as prescribed by the department. Advanced life  
6 support base hospitals that are not trauma centers may also submit this data  
7 to the department. The director shall identify the categories of patients  
8 who are to be reported as trauma patients under this section.

9 B. The department shall provide quarterly trauma system data reports  
10 to each hospital AND DESIGNATED TRAUMA CENTER submitting data.

11 C. THE DEPARTMENT MAY AUTHORIZE OTHER PERSONS AND ORGANIZATIONS TO USE  
12 STATE TRAUMA REGISTRY DATA:

13 1. TO STUDY THE SOURCES AND CAUSES OF TRAUMA.

14 2. TO EVALUATE THE COST, QUALITY, EFFICACY AND APPROPRIATENESS OF  
15 DIAGNOSTIC, THERAPEUTIC, REHABILITATIVE AND PREVENTIVE SERVICES AND PROGRAMS  
16 THAT ARE RELATED TO TRAUMA.

17 D. INFORMATION COLLECTED BY THE STATE TRAUMA REGISTRY THAT CAN  
18 IDENTIFY AN INDIVIDUAL IS CONFIDENTIAL AND MAY BE USED ONLY PURSUANT TO THIS  
19 SECTION. A PERSON WHO DISCLOSES CONFIDENTIAL INFORMATION IN VIOLATION OF  
20 THIS SECTION IS GUILTY OF A CLASS 3 MISDEMEANOR.

21 Sec. 3. Section 36-2222, Arizona Revised Statutes, is amended to read:

22 36-2222. Trauma advisory board; membership; compensation;  
23 duties

24 A. The trauma advisory board is established and consists of the  
25 following members:

26 1. The medical director of the office BUREAU of emergency medical  
27 services who shall chair the board.

28 2. The director of the department of public safety or the director's  
29 designee.

30 3. Four members representing the four regional emergency medical  
31 services coordinating councils.

32 4. Two members from trauma centers in this state.

33 5. A representative from a statewide organization representing a  
34 national college of surgeons that is a recognized, authoritative body  
35 representing national trauma services standards.

36 6. A representative from a statewide fire district association.

37 7. A representative from a statewide hospital association.

38 8. A representative from a federal Indian health services  
39 organization.

40 9. A representative from a national organization of emergency  
41 physicians that is a recognized, authoritative body representing national  
42 emergency medicine standards.

43 10. A representative from a national association of retired persons.

1 11. A representative from a statewide rehabilitation facility ~~that is~~  
2 ~~accredited by a national commission on the accreditation of rehabilitation~~  
3 ~~facilities.~~

4 12. A representative from an urban advanced life support base hospital  
5 that is not a trauma center.

6 13. A representative from a rural advanced life support base hospital  
7 that is not a trauma center.

8 14. A representative from a statewide ambulance association.

9 15. A representative from a fire department in a county with a  
10 population of five hundred thousand persons or more according to the most  
11 recent United States decennial census.

12 16. A representative of a tribal health organization.

13 17. A REPRESENTATIVE FROM A STATEWIDE NEUROSURGICAL SOCIETY.

14 18. A REPRESENTATIVE FROM A STATEWIDE PEDIATRIC ORGANIZATION.

15 19. A REPRESENTATIVE FROM A SOCIETY OF TRAUMA NURSES.

16 B. Except for board members who serve under subsection A, paragraphs 1  
17 and 2 of this section, board members are appointed by the director and serve  
18 staggered three year terms.

19 C. The director shall accept recommendations for appointment of board  
20 members from organizations representing consumers, insurers and governmental  
21 agencies that have an interest in the development of a statewide trauma  
22 system, including statewide chapters of a national trauma society, a national  
23 emergency medical nurses association, a medical association and an  
24 aeromedical association. Wherever appropriate to the entity being  
25 represented, the director shall consider qualified licensed physicians with  
26 experience in trauma care in anesthesia, emergency medicine, neurosurgery,  
27 orthopedics and pediatrics, and licensed nurses with experience in  
28 prehospital emergency care or trauma care.

29 D. Board members are not eligible to receive compensation but are  
30 eligible for reimbursement of expenses under title 38, chapter 4, article 2.

31 E. The board shall:

32 1. Make recommendations on the initial and long-term processes for the  
33 verification and designation of trauma center levels, including the  
34 evaluation of trauma center criteria.

35 2. Make recommendations on the development and implementation of  
36 comprehensive regional emergency medical services and trauma system plans.

37 3. Make recommendations on the state emergency medical services and  
38 trauma system quality improvement processes, including the state trauma  
39 registry.

40 4. Submit a report to the director on or before October 1 of each year  
41 regarding the board's accomplishments and recommendations.

42 F. The chairperson may appoint subcommittees to assist the board in  
43 meeting the requirements of subsection E of this section.

1 Sec. 4. Section 36-2225, Arizona Revised Statutes, is amended to read:  
2 36-2225. Statewide emergency medical services and trauma  
3 system; definitions

4 A. The department shall develop and administer a statewide emergency  
5 medical services and trauma system ~~to implement the Arizona emergency medical~~  
6 ~~services and trauma system plan~~. The department shall adopt rules to  
7 establish standards for the following:

8 1. Injury prevention activities to decrease the incidence of trauma  
9 and decrease the societal cost of preventable mortality and morbidity.

10 2. Public access to prehospital emergency medical services.

11 3. A statewide network of trauma centers that provide trauma care and  
12 to which trauma patients can be transported.

13 4. A trauma center designation and dedesignation process for health  
14 care institutions that provide trauma care. The department may adopt rules  
15 that:

16 (a) Allow for designation based on:

17 (i) A health care institution's verification as a trauma facility by a  
18 national verification organization.

19 (ii) A determination by a national verification organization that a  
20 health care institution meets the state standards established by rule for  
21 designation as a trauma center.

22 (iii) A determination by the department that a health care institution  
23 meets the state standards established by rule for designation as a trauma  
24 center.

25 (b) Require that trauma centers submit data to the trauma registry.

26 5. Trauma system evaluation and quality review through the collection  
27 and analysis of data.

28 6. Protection of confidential patient care and trauma registry  
29 information.

30 B. THE DEPARTMENT MAY COORDINATE TRAUMA TRIAGE EDUCATION AND TRAINING  
31 IN ANY COUNTY WITH A POPULATION OF LESS THAN FIVE HUNDRED THOUSAND PERSONS OR  
32 IN ANY CITY WITH A POPULATION OF LESS THAN ONE HUNDRED THOUSAND PERSONS AND  
33 RESEARCH OF OUTCOMES BY A CONSORTIUM OF TRAUMA CENTERS.

34 ~~B-~~ C. For the purposes of this section:

35 1. "National verification organization" means the American college of  
36 surgeons committee on trauma or other nationally recognized organization that  
37 verifies the ability of health care institutions to provide trauma services  
38 at various levels.

39 2. "Trauma center" means a health care institution that is designated  
40 pursuant to rules adopted by the department to provide a specific level of  
41 trauma care.

42 Sec. 5. Exemption from rule making

43 For the purposes of this act, the department of health services is  
44 exempt from the rule making requirements of title 41, chapter 6, Arizona  
45 Revised Statutes, for one year after the effective date of this act.

1           Sec. 6. Appropriation: coordinating trauma triage education.  
2                                   training and research

3           The sum of \$250,000 is appropriated from the emergency medical services  
4 operating fund established by section 36-2218, Arizona Revised Statutes, in  
5 fiscal year 2008-2009 to the department of health services for the purpose of  
6 coordinating trauma triage education, training and research as prescribed by  
7 this act.