

## HOUSE BILL No. 2158

By Committee on Health and Human Services

1-27

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1 AN ACT concerning public health; relating to the department of health and  
2 environment, division of public health; powers, duties and functions of  
3 the advisory committee on trauma and the statewide trauma system  
4 regional council; continuing in existence the authority to conduct  
5 closed session meetings and keep records privileged; amending K.S.A.  
6 75-5664 and 75-5665 and repealing the existing sections.  
7

8 *Be it enacted by the Legislature of the State of Kansas:*

9 Section 1. K.S.A. 75-5664 is hereby amended to read as follows: 75-  
10 5664. (a) There is hereby established an advisory committee on trauma.  
11 The advisory committee on trauma shall be advisory to the secretary of  
12 health and environment and shall be within the division of public health of  
13 the department of health and environment as a part thereof.

14 (b) ~~On July 1, 2001, the advisory committee on trauma in existence~~  
15 ~~immediately prior to July 1, 2001, is hereby abolished and a new advisory~~  
16 ~~committee on trauma is created in accordance with this section. The terms~~  
17 ~~of all members of the advisory committee on trauma in existence prior to~~  
18 ~~July 1, 2001, are hereby terminated. On and after July 1, 2001, The~~  
19 advisory committee on trauma shall be composed of 24 members  
20 representing both rural and urban areas of the state appointed as follows:

21 (1) Two members shall be persons licensed to practice medicine and  
22 surgery appointed by the governor. At least 30 days prior to the expiration  
23 of terms described in this section, for each member to be appointed under  
24 this section, the Kansas medical society shall submit to the governor a list  
25 of three names of persons of recognized ability and qualification. The  
26 governor shall consider such list of persons in making appointments to the  
27 board under this paragraph.

28 (2) One member shall be licensed to practice osteopathic medicine  
29 appointed by the governor. At least 30 days prior to the expiration of the  
30 term of the member appointed under this section, the Kansas association of  
31 osteopathic medicine shall submit to the governor a list of three persons of  
32 recognized ability and qualification. The governor shall consider such list  
33 of persons in making appointments to the board under this paragraph.

34 (3) Three members shall be representatives of hospitals appointed by  
35 the governor. At least 30 days before the expiration of terms described in  
36 this section, for each member to be appointed under this section, the

1 Kansas hospital association shall submit to the governor a list of three  
2 names of persons of recognized ability and qualification. The governor  
3 shall consider such list of persons in making appointments to the board  
4 under this paragraph.

5 (4) Two members shall be licensed professional nurses specializing in  
6 trauma care or emergency nursing appointed by the governor. At least 30  
7 days before the expiration of terms described in this section, for each  
8 member to be appointed under this section, the Kansas state nurses  
9 association shall submit to the governor a list of three names of persons of  
10 recognized ability and qualification. The governor shall consider such list  
11 of persons in making appointments to the board under this paragraph.

12 (5) Two members shall be emergency medical service providers as  
13 defined in K.S.A. 65-6112, and amendments thereto, who are on the roster  
14 of an ambulance service permitted by the board of emergency medical  
15 services. At least 30 days prior to the expiration of one of these positions,  
16 the Kansas emergency medical services association shall submit to the  
17 governor a list of three persons of recognized ability and qualification. The  
18 governor shall consider such list of persons in making this appointment to  
19 the board. For the other member appointed under this section, at least 30  
20 days prior to the expiration of the term of such member, the Kansas  
21 emergency medical technician association shall submit a list of three  
22 persons of recognized ability and qualification. The governor shall  
23 consider such list of persons in making appointments to the board under  
24 this paragraph.

25 (6) Two members shall be administrators of ambulance services, one  
26 rural and one urban, appointed by the governor. At least 30 days prior to  
27 the expiration of the terms of such members, the Kansas emergency  
28 medical services association and Kansas emergency medical technician  
29 association in consultation shall submit to the governor a list of four  
30 persons of recognized ability and qualification. The governor shall  
31 consider such list of persons in making this appointment to the board  
32 under this paragraph.

33 (7) Six members shall be representatives of regional trauma councils,  
34 one per council, appointed by the governor. At least 30 days prior to the  
35 expiration of one of these positions, the relevant regional trauma council  
36 shall submit to the governor a list of three persons of recognized ability  
37 and qualification. The governor shall consider such list of persons in  
38 making these appointments to the board.

39 (8) The secretary of health and environment or the secretary's  
40 designee of an appropriately qualified person shall be an ex officio  
41 representative of the department of health and environment.

42 (9) The chairperson of the emergency medical services board or the  
43 chairperson's designee shall be an ex officio member.

1       (10) ~~Four legislators selected as follows shall be members:~~ The  
2 chairperson and ranking minority member or their designees of the  
3 committee on health and human services of the house of representatives,  
4 and the chairperson and ranking minority member or their designees from  
5 the committee on public health and welfare of the senate shall be  
6 members.

7       (c) All members shall be residents of the state of Kansas. Particular  
8 attention shall be given so that rural and urban interests and geography are  
9 balanced in representation. Organizations that submit lists of names to be  
10 considered for appointment by the governor under this section shall insure  
11 that names of people who reside in both rural and urban areas of the state  
12 are among those submitted. At least one person from each congressional  
13 district shall be among the members. Of the members appointed under  
14 ~~subsection~~ *subsections* (b)(1) through (b)(7): Six shall be appointed to  
15 initial terms of two years; six shall be appointed to initial terms of three  
16 years; and six shall be appointed to initial terms of four years. Thereafter  
17 members shall serve terms of four years and until a successor is appointed  
18 and qualified. In the case of a vacancy in the membership of the advisory  
19 committee, the vacancy shall be filled for the unexpired term in like  
20 manner as that provided in subsection (b).

21       (d) The advisory committee shall meet quarterly and at the call of the  
22 chairperson or at the request of a majority of the members. At the first  
23 meeting of the advisory committee after July 1 each year, the members  
24 shall elect a chairperson and vice-chairperson who shall serve for terms of  
25 one year. The vice-chairperson shall exercise all of the powers of the  
26 chairperson in the absence of the chairperson.

27       (e) The advisory committee shall be advisory to the secretary of  
28 health and environment on all matters relating to the implementation and  
29 administration of this act.

30       (f) (1) Any meeting of the advisory committee or any part of a  
31 meeting of the advisory committee during which a review of incidents of  
32 trauma injury or trauma care takes place shall be conducted in closed  
33 session. The advisory committee and officers thereof when acting in their  
34 official capacity in considering incidents of trauma injury or trauma care  
35 shall constitute a peer review committee and peer review officers for all  
36 purposes of K.S.A. 65-4915, and amendments thereto.

37       (2) The advisory committee or an officer thereof may advise, report  
38 to and discuss activities, information and findings of the committee that  
39 relate to incidents of trauma injury or trauma care with the secretary of  
40 health and environment as provided in subsections (a) and (e) without  
41 waiver of the privilege provided by this subsection and K.S.A. 65-4915,  
42 and amendments thereto, and the records and findings of such committee  
43 or officer that are privileged under this subsection and K.S.A. 65-4915,

1 and amendments thereto, shall remain privileged as provided by this  
2 subsection and K.S.A. 65-4915, and amendments thereto, ~~prior to July 1,~~  
3 ~~2021.~~

4 ~~(3) The provisions of this subsection shall expire on July 1, 2021,~~  
5 ~~unless the legislature reviews and reenacts this provision prior to July 1,~~  
6 ~~2021.~~

7 (g) Members of the advisory committee attending meetings of the  
8 advisory committee or attending a subcommittee of the advisory  
9 committee or other authorized meeting of the advisory committee shall not  
10 be paid compensation but shall be paid amounts provided in K.S.A. 75-  
11 3223(e), and amendments thereto.

12 Sec. 2. K.S.A. 75-5665 is hereby amended to read as follows: 75-  
13 5665. (a) The secretary of health and environment, after consultation with  
14 and consideration of recommendations from the advisory committee, shall:

15 ~~(1) Develop~~ *Adopt* rules and regulations necessary to carry out the  
16 provisions of this act, including fixing, charging and collecting fees from  
17 trauma facilities to recover all or part of the expenses incurred in the  
18 designation of trauma facilities pursuant to ~~subsection (f) paragraph (6);~~

19 (2) develop a statewide trauma system plan including the  
20 establishment of regional trauma councils, using the 2001 Kansas EMS-  
21 Trauma Systems Plan study as a guide and not more restrictive than state  
22 law. The secretary shall ensure that each council consist of at least six  
23 members. Members of the councils shall consist of persons chosen for  
24 their expertise in and commitment to emergency medical and trauma  
25 services. Such members shall be chosen from the region and include  
26 prehospital personnel, physicians, nurses and hospital personnel involved  
27 with the emergency medical and trauma services and a representative of a  
28 county health department. The plan should:

29 (A) Maximize local and regional control over decisions relating to  
30 trauma care;

31 (B) minimize bureaucracy;

32 (C) adequately protect the confidentiality of proprietary and personal  
33 health information;

34 (D) promote cost effectiveness;

35 (E) encourage participation by groups affected by the system;

36 (F) emphasize medical direction and involvement at all levels of the  
37 system;

38 (G) rely on accurate data as the basis for system planning and  
39 development; and

40 (H) facilitate education of health care providers in trauma care;

41 (3) plan, develop and administer a trauma registry to collect and  
42 analyze data on incidence, severity and causes of trauma and other  
43 pertinent information ~~which~~ *that* may be used to support the secretary's

1 decision-making and identify needs for improved trauma care;

2 (4) provide all technical assistance to the regional councils as  
3 necessary to implement the provisions of this act;

4 (5) collect data elements for the trauma registry that are consistent  
5 with the recommendations of the American college of surgeons committee  
6 on trauma and centers for disease control;

7 (6) designate trauma facilities by level of trauma care capabilities  
8 after considering the American college of surgeons committee on trauma  
9 standards and other states' standards except that trauma level designations  
10 shall not be based on criteria that place practice limitations on registered  
11 nurse anesthetists ~~which are~~ not required by state law;

12 (7) develop a phased-in implementation schedule for each component  
13 of the trauma system, including the trauma registry, ~~which that~~ considers  
14 the additional burden placed on the emergency medical and trauma  
15 providers;

16 (8) develop standard reports to be utilized by the regional trauma  
17 councils and those who report data to the registry in performing their  
18 functions;

19 (9) assess the fiscal impact on all components of the trauma system,  
20 and thereafter recommend other funding sources for the trauma system and  
21 trauma registry;

22 (10) prepare and submit an annual budget in accordance with the  
23 provisions of this act. Such budget shall include costs for the provision of  
24 technical assistance to the regional trauma councils and the cost of  
25 developing and maintaining the trauma registry and analyzing and  
26 reporting on the data collected; and

27 (11) enter into contracts as deemed necessary to carry out the duties  
28 and functions of the secretary under this act.

29 (b) (1) Any meeting of a regional trauma council or any part of a  
30 meeting of such a council during which a review of incidents of trauma  
31 injury or trauma care takes place shall be conducted in closed session. A  
32 regional trauma council and the officers thereof when acting in their  
33 official capacity in considering incidents of trauma injury or trauma care  
34 shall constitute a peer review committee and peer review officers for all  
35 purposes of K.S.A. 65-4915, and amendments thereto.

36 (2) A regional trauma council or an officer thereof may advise, report  
37 to and discuss activities, information and findings of the council ~~which~~  
38 *that* relate to incidents of trauma injury or trauma care with the secretary  
39 of health and environment and make reports as provided in this section  
40 without waiver of the privilege provided by this subsection and K.S.A. 65-  
41 4915, and amendments thereto, and the records and findings of such  
42 council or officer ~~which that~~ are privileged under this subsection and  
43 K.S.A. 65-4915, and amendments thereto, shall remain privileged as

1 provided by this subsection and K.S.A. 65-4915, and amendments thereto.

2 ~~(3) The provisions of this subsection shall expire on July 1, 2021,~~  
3 ~~unless the legislature reviews and reenacts this provision prior to July 1,~~  
4 ~~2021.~~

5 Sec. 3. K.S.A. 75-5664 and 75-5665 are hereby repealed.

6 Sec. 4. This act shall take effect and be in force from and after its  
7 publication in the statute book.