

HOUSE BILL No. 2158

By Committee on Health and Human Services

1-27

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.