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HOUSE BILL NO. 2211

Offered January 10, 2007

Prefiled January 9, 2007

A BILL to amend and reenact §§ 32.1-116.1 and 32.1-116.1:1 of the Code of Virginia, relating to the Virginia Emergency Medical Services Registry and Virginia Statewide Trauma Registry.

Patron—O'Bannon

Referred to Committee on Health, Welfare and Institutions

Be it enacted by the General Assembly of Virginia:

1. That §§ 32.1-116.1, and 32.1-116.1:1 of the Code of Virginia are amended and reenacted as follows:

§ 32.1-116.1. Prehospital patient care reporting procedure; trauma registry; confidentiality.

A. In order to collect data on the incidence, severity and cause of trauma, integrate the information available from other state agencies on trauma and improve the delivery of prehospital and hospital emergency medical services, there is hereby established the Emergency Medical Services Patient Care Information System. The Emergency Medical Services Patient Care Information System shall include the prehospital patient care reporting procedure Virginia Emergency Medical Services (EMS) Registry and the trauma registry Virginia Statewide Trauma Registry.

All licensed emergency medical services agencies shall participate in the prehospital patient care reporting procedure Virginia EMS Registry by making available to the Commissioner or his designees the minimum data set ~~on forms~~ in the format prescribed by the Board or ~~locally developed forms~~ any other format which contain equivalent information and meets any technical specifications of the Board. The minimum data set shall include, but not be limited to, the type of medical emergency or nature of the call, the response time, the treatment provided and other items as prescribed by the Board.

Each licensed emergency medical services agency shall, upon request, disclose the prehospital care report to law-enforcement officials (i) when the patient is the victim of a crime or (ii) when the patient is in the custody of the law-enforcement officials and has received emergency medical services or has refused emergency medical services.

The Commissioner may delegate the responsibility for collection of this data to the Regional Emergency Medical Services Councils, Department of Health Office of Emergency Medical Services personnel or individuals under contract to the Department Office. The Advisory Board shall assist in the design, implementation, subsequent revisions and analyses of the data of the prehospital patient care reporting procedures from the Virginia EMS Registry.

B. All licensed hospitals which render emergency medical services shall participate in the trauma registry Virginia Statewide Trauma Registry by making available to the Commissioner or his designees abstracts of the records of all patients admitted to the institutions' trauma and general surgery services with diagnoses related to trauma. The abstracts shall be submitted ~~on forms~~ provided in the format prescribed by the Department and shall include the minimum data set prescribed by the Board.

The Commissioner shall seek the advice and assistance of the Advisory Board and the Committee on Trauma of the Virginia Chapter of the American College of Surgeons Trauma System Oversight and Management Committee in the design, implementation, subsequent revisions and analyses of the trauma registry Virginia Statewide Trauma Registry.

C. Patient and other data or information submitted to the trauma registry or transmitted to the Commissioner, the Advisory Board, any committee acting on behalf of the Advisory Board, any hospital or prehospital care provider, any regional emergency medical services council, permitted emergency medical services agency, or other group or committee for the purpose of monitoring and improving the quality of care pursuant to § 32.1-111.3, shall be privileged and shall not be disclosed or obtained by legal discovery proceedings, unless a circuit court, after a hearing and for good cause shown arising from extraordinary circumstances, orders disclosure of such data.

§ 32.1-116.1:1. Disclosure of medical records.

Any licensed physician, ~~or other licensed health care provider, or licensed health care facility~~ may disclose to an emergency medical care attendant, technician, ~~or another~~ physician, ~~or their licensed parent agency~~ the medical ~~or hospital~~ records of a sick or injured person to whom such attendant, technician or physician is providing or has rendered emergency medical care ~~or assistance~~ for the purpose of promoting the medical education of the specific person who provided such care ~~or assistance~~ or for quality improvement initiatives of their agency or of the EMS system as a whole. Any emergency medical care attendant, technician or physician to whom such confidential records are disclosed shall not

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59 further disclose such information to any persons not entitled to receive that information in accordance
60 with the provisions of this section.