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## SENATE BILL NO. 344

Senate Amendments in [ ] — January 25, 2008

A *BILL to amend and reenact § 32.1-111.3 of the Code of Virginia, relating to a statewide prehospital and interhospital Stroke Triage Plan.*

Patrons Prior to Engrossment—Senators Blevins, Martin and Puller; Delegates: Brink, Hall and Melvin

Referred to Committee on Education and Health

**Be it enacted by the General Assembly of Virginia:****1. That § 32.1-111.3 of the Code of Virginia is amended and reenacted as follows:**

§ 32.1-111.3. Statewide emergency medical care system.

A. The Board of Health shall develop a comprehensive, coordinated, emergency medical care system in the Commonwealth and prepare a Statewide Emergency Medical Services Plan which shall incorporate, but not be limited to, the plans prepared by the regional emergency medical services councils. The Board shall review, update, and publish the Plan triennially, making such revisions as may be necessary to improve the effectiveness and efficiency of the Commonwealth's emergency medical care system. Publishing through electronic means and posting on the Department website shall satisfy the publication requirement. The objectives of such Plan and the system shall include, but not be limited to, the following:

1. Establishing a comprehensive statewide emergency medical care system, incorporating facilities, transportation, manpower, communications, and other components as integral parts of a unified system that will serve to improve the delivery of emergency medical services and thereby decrease morbidity, hospitalization, disability, and mortality;

2. Reducing the time period between the identification of an acutely ill or injured patient and the definitive treatment;

3. Increasing the accessibility of high quality emergency medical services to all citizens of Virginia;

4. Promoting continuing improvement in system components including ground, water and air transportation, communications, hospital emergency departments and other emergency medical care facilities, consumer health information and education, and health manpower and manpower training;

5. Ensuring performance improvement of the Emergency Medical Services system and emergency medical care delivered on scene, in transit, in hospital emergency departments and within the hospital environment;

6. Working with professional medical organizations, hospitals, and other public and private agencies in developing approaches whereby the many persons who are presently using the existing emergency department for routine, nonurgent, primary medical care will be served more appropriately and economically;

7. Conducting, promoting, and encouraging programs of education and training designed to upgrade the knowledge and skills of health manpower involved in emergency medical services, including expanding the availability of paramedic and advanced life support training throughout the Commonwealth with particular emphasis on regions underserved by personnel having such skills and training;

8. Consulting with and reviewing, with agencies and organizations, the development of applications to governmental or other sources for grants or other funding to support emergency medical services programs;

9. Establishing a statewide air medical evacuation system which shall be developed by the Department of Health in coordination with the Department of State Police and other appropriate state agencies;

10. Establishing and maintaining a process for designation of appropriate hospitals as trauma centers and specialty care centers based on an applicable national evaluation system;

11. Maintaining a comprehensive emergency medical services patient care data collection and performance improvement system pursuant to Article 3.1 (§ 32.1-116.1 et seq.) of this chapter;

12. Collecting data and information and preparing reports for the sole purpose of the designation and verification of trauma centers and other specialty care centers pursuant to this section. All data and information collected shall remain confidential and shall be exempt from the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.);

13. Establishing and maintaining a process for crisis intervention and peer support services for emergency medical services and public safety personnel, including statewide availability and accreditation of critical incident stress management teams;

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60 14. Establishing a statewide emergency medical services for children program to provide coordination  
61 and support for emergency pediatric care, availability of pediatric emergency medical care equipment,  
62 and pediatric training of medical care providers;

63 15. Establishing and supporting a statewide system of health and medical emergency response teams,  
64 including emergency medical services disaster task forces, coordination teams, disaster medical  
65 assistance teams, and other support teams that shall assist local emergency medical services at their  
66 request during mass casualty, disaster, or whenever local resources are overwhelmed;

67 16. Establishing and maintaining a program to improve dispatching of emergency medical services  
68 including establishment of and support for emergency medical dispatch training, accreditation of 911  
69 dispatch centers, and public safety answering points; and

70 17. Identifying and establishing best practices for managing and operating agencies, improving and  
71 managing emergency medical response times, and disseminating such information to the appropriate  
72 persons and entities.

73 B. The Board of Health shall also develop and maintain as a component of the Emergency Medical  
74 Services Plan a statewide prehospital and interhospital Trauma Triage Plan designed to promote rapid  
75 access for pediatric and adult trauma patients to appropriate, organized trauma care through the  
76 publication and regular updating of information on resources for trauma care and generally accepted  
77 criteria for trauma triage and appropriate transfer. The Trauma Triage Plan shall include:

78 1. A strategy for maintaining the statewide Trauma Triage Plan through formal regional trauma triage  
79 plans that incorporate each region's geographic variations and trauma care capabilities and resources,  
80 including hospitals designated as trauma centers pursuant to subsection A of this section. The regional  
81 trauma triage plans shall be reviewed triennially.

82 2. A uniform set of proposed criteria for prehospital and interhospital triage and transport of trauma  
83 patients developed by the Emergency Medical Services Advisory Board, in consultation with the  
84 Virginia Chapter of the American College of Surgeons, the Virginia College of Emergency Physicians,  
85 the Virginia Hospital and Healthcare Association, and prehospital care providers. The Emergency  
86 Medical Services Advisory Board may revise such criteria from time to time to incorporate accepted  
87 changes in medical practice or to respond to needs indicated by analyses of data on patient outcomes.  
88 Such criteria shall be used as a guide and resource for health care providers and are not intended to  
89 establish, in and of themselves, standards of care or to abrogate the requirements of § 8.01-581.20. A  
90 decision by a health care provider to deviate from the criteria shall not constitute negligence per se.

91 3. A performance improvement program for monitoring the quality of care, consistent with other  
92 components of the Emergency Medical Services Plan. The program shall provide for collection and  
93 analysis of data on emergency medical and trauma services from existing validated sources, including  
94 but not limited to the emergency medical services patient care information system, pursuant to Article  
95 3.1 (§ 32.1-116.1 et seq.) of this chapter, the Patient Level Data System, and mortality data. The  
96 Emergency Medical Services Advisory Board shall review and analyze such data on a quarterly basis  
97 and report its findings to the Commissioner. The Emergency Medical Services Advisory Board may  
98 execute these duties through a committee composed of persons having expertise in critical care issues  
99 and representatives of emergency medical services providers. The program for monitoring and reporting  
100 the results of emergency medical and trauma services data analysis shall be the sole means of  
101 encouraging and promoting compliance with the trauma triage criteria.

102 The Commissioner shall report aggregate findings of the analysis annually to each regional  
103 emergency medical services council. The report shall be available to the public and shall identify,  
104 minimally, as defined in the statewide plan, the frequency of (i) incorrect triage in comparison to the  
105 total number of trauma patients delivered to a hospital prior to pronouncement of death and (ii) incorrect  
106 interfacility transfer for each region.

107 The Emergency Medical Services Advisory Board or its designee shall ensure that each hospital or  
108 emergency medical services director is informed of any incorrect interfacility transfer or triage, as  
109 defined in the statewide plan, specific to the provider and shall give the provider an opportunity to  
110 correct any facts on which such determination is based, if the provider asserts that such facts are  
111 inaccurate. The findings of the report shall be used to improve the Trauma Triage Plan, including triage,  
112 and transport and trauma center designation criteria.

113 The Commissioner shall ensure the confidentiality of patient information, in accordance with  
114 § 32.1-116.2. Such data or information in the possession of or transmitted to the Commissioner, the  
115 Emergency Medical Services Advisory Board, any committee acting on behalf of the Emergency  
116 Medical Services Advisory Board, any hospital or prehospital care provider, any regional emergency  
117 medical services council, licensed emergency medical services agency, or group or committee  
118 established to monitor the quality of care pursuant to this subdivision, or any other person shall be  
119 privileged and shall not be disclosed or obtained by legal discovery proceedings, unless a circuit court,  
120 after a hearing and for good cause shown arising from extraordinary circumstances, orders disclosure of  
121 such data.

C. The Board of Health shall also develop and maintain as a component of the Emergency Medical Services Plan a statewide prehospital and interhospital Stroke Triage Plan designed to promote rapid access for stroke patients to appropriate, organized stroke care through the publication and regular updating of information on resources for stroke care and generally accepted criteria for stroke triage and appropriate transfer. The Stroke Triage Plan shall include:

1. A strategy for maintaining the statewide Stroke Triage Plan through formal regional stroke triage plans that incorporate each region's geographic variations and stroke care capabilities and resources, including hospitals designated as "primary stroke centers" through certification by the Joint Commission [ ~~on Health Care~~ ] or a comparable process consistent with the recommendations of the Brain Attack Coalition. The regional stroke triage plans shall be reviewed triennially.

2. A uniform set of proposed criteria for prehospital and interhospital triage and transport of stroke patients developed by the Emergency Medical Services Advisory Board, in consultation with the American Stroke Association, the Virginia College of Emergency Physicians, the Virginia Hospital and Healthcare Association, and prehospital care providers. The Board of Health may revise such criteria from time to time to incorporate accepted changes in medical practice or to respond to needs indicated by analyses of data on patient outcomes. Such criteria shall be used as a guide and resource for health care providers and are not intended to establish, in and of themselves, standards of care or to abrogate the requirements of § 8.01-581.20. A decision by a health care provider to deviate from the criteria shall not constitute negligence per se.

D. Whenever any state-owned aircraft, vehicle, or other form of conveyance is utilized under the provisions of this section, an appropriate amount not to exceed the actual costs of operation may be charged by the agency having administrative control of such aircraft, vehicle or other form of conveyance.

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