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HOUSE BILL NO. 2161

Offered January 10, 2007

Prefiled January 9, 2007

A *BILL to amend and reenact § 32.1-111.3 of the Code of Virginia, relating to the statewide emergency medical care system.*

Patron—O'Bannon

Referred to Committee on Health, Welfare and Institutions

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

6. Working with ~~professional medical societies~~ 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. ~~Establishing~~ Maintaining a comprehensive emergency medical services patient care data collection and ~~evaluation~~ 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

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59 emergency medical services and public safety personnel, including statewide availability and
60 accreditation of critical incident stress management teams;

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

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

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

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

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

79 1. A strategy for ~~implementing~~ *maintaining* the statewide Trauma Triage Plan through formal
80 regional trauma triage plans ~~developed by the regional emergency medical services councils which that~~
81 ~~can~~ incorporate each region's geographic variations and trauma care capabilities and resources, including
82 hospitals designated as trauma centers pursuant to subsection A of this section. The regional trauma
83 triage plans shall be ~~implemented by July 1, 1999, upon the approval of the Commissioner~~
84 *reviewed triennially*.

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

95 3. A *performance improvement* program for monitoring the quality of care, consistent with other
96 components of the Emergency Medical Services Plan. The program shall provide for collection and
97 analysis of data on emergency medical and trauma services from existing validated sources, including
98 but not limited to the emergency medical services patient care information system, pursuant to Article
99 3.1 (§ 32.1-116.1 et seq.) of this chapter, the Patient Level Data System, and mortality data. The
100 Emergency Medical Services Advisory Board shall review and analyze such data on a quarterly basis
101 and report its findings to the Commissioner. ~~The first such report shall be for the quarter beginning on~~
102 ~~July 1, 1999.~~ The *Emergency Medical Services* Advisory Board may execute these duties through a
103 committee composed of persons having expertise in critical care issues and representatives of emergency
104 medical services providers. The program for monitoring and reporting the results of emergency medical
105 and trauma services data analysis shall be the sole means of encouraging and promoting compliance
106 with the trauma triage criteria.

107 The Commissioner shall report aggregate findings of the analysis annually to each regional
108 emergency medical services council; ~~with the first such report representing data submitted for the quarter~~
109 ~~beginning July 1, 1999, through the quarter ending June 30, 2000.~~ The report shall be available to the
110 public and shall identify, minimally, as defined in the statewide plan, the frequency of (i) incorrect
111 triage in comparison to the total number of trauma patients delivered to a hospital prior to
112 pronouncement of death and (ii) incorrect interfacility transfer for each region.

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

119 The Commissioner shall ensure the confidentiality of patient information, in accordance with
120 § 32.1-116.2. Such data or information in the possession of or transmitted to the Commissioner, the

121 *Emergency Medical Services* Advisory Board, any committee acting on behalf of the *Emergency Medical*
122 *Services* Advisory Board, any hospital or prehospital care provider, any regional emergency medical
123 services council, ~~permitted~~*licensed* emergency medical services agency, or group or committee
124 established to monitor the quality of care pursuant to this subdivision, or any other person shall be
125 privileged and shall not be disclosed or obtained by legal discovery proceedings, unless a circuit court,
126 after a hearing and for good cause shown arising from extraordinary circumstances, orders disclosure of
127 such data.

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