

# Senate Study Bill 50

## Conference Committee Text

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1 1 Section 1. NEW SECTION. 147A.20 TITLE OF DIVISION.  
1 2 This division may be cited as the "Iowa Trauma Care System  
1 3 Development Act".  
1 4 Sec. 2. NEW SECTION. 147A.21 DEFINITIONS.  
1 5 As used in this division, unless the context otherwise  
1 6 requires:  
1 7 1. "Categorization" means a preliminary determination by  
1 8 the department that a hospital or emergency care facility is  
1 9 capable of providing trauma care in accordance with criteria  
1 10 adopted pursuant to chapter 17A for level I, II, III, and IV  
1 11 care capabilities.  
1 12 2. "Department" means the Iowa department of public  
1 13 health.  
1 14 3. "Director" means the director of public health.  
1 15 4. "Emergency care facility" means a physician's office,  
1 16 clinic, or other health care center which provides emergency  
1 17 medical care in conjunction with other primary care services.  
1 18 5. "Hospital" means a facility licensed under chapter  
1 19 135B, or a comparable emergency care facility located and  
1 20 licensed in another state.  
1 21 6. "Trauma" means a single or multisystem life-threatening  
1 22 or limb-threatening injury, or an injury requiring immediate  
1 23 medical or surgical intervention or treatment to prevent death  
1 24 or permanent disability.  
1 25 7. "Trauma care facility" means a hospital or emergency  
1 26 care facility which provides trauma care and has been verified  
1 27 by the department as having level I, II, III, or IV care  
1 28 capabilities and issued a certificate of verification pursuant  
1 29 to section 147A.23, subsection 2, paragraph "c".  
1 30 8. "Trauma care system" means an organized approach to  
1 31 providing personnel, facilities, and equipment for effective  
1 32 and coordinated trauma care.  
1 33 9. "Verification" means a formal process by which the  
1 34 department certifies a hospital or emergency care facility's  
1 35 capacity to provide trauma care in accordance with criteria  
2 1 established for level I, II, III, and IV trauma care  
2 2 facilities.  
2 3 Sec. 3. NEW SECTION. 147A.22 LEGISLATIVE FINDINGS AND  
2 4 INTENT & PURPOSE.  
2 5 The general assembly finds the following:  
2 6 1. Trauma is a serious health problem in the state of Iowa  
2 7 and is the leading cause of death of younger Iowans. The  
2 8 death and disability associated with traumatic injury  
2 9 contributes to the significant medical expenses and lost work,  
2 10 and adversely affects the productivity of Iowans.  
2 11 2. Optimal trauma care is limited in many parts of the  
2 12 state. With health care delivery in transition, access to  
2 13 quality trauma and emergency medical care continues to  
2 14 challenge our rural communities.  
2 15 3. The goal of a statewide trauma care system is to  
2 16 coordinate the medical needs of the injured person with an  
2 17 integrated system of optimal and cost-effective trauma care.  
2 18 The result of a well-coordinated statewide trauma care system  
2 19 is to reduce the incidences of inadequate trauma care and  
2 20 preventable deaths, minimize human suffering, and decrease the  
2 21 costs associated with preventable mortality and morbidity.

2 22 4. The development of the Iowa trauma care system will  
2 23 achieve these goals while meeting the unique needs of the  
2 24 rural residents of the state.

2 25 Sec. 4. NEW SECTION. 147A.23 TRAUMA CARE SYSTEM  
2 26 DEVELOPMENT.

2 27 1. The department is designated as a lead agency in this  
2 28 state responsible for the development of a statewide trauma  
2 29 care system.

2 30 2. The department, in consultation with the trauma system  
2 31 advisory council, shall develop, coordinate, and monitor a  
2 32 statewide trauma care system. This system shall include, but  
2 33 not be limited to, the following:

2 34 a. The categorization of all hospitals and emergency care  
2 35 facilities by the department as to their capacity to provide  
3 1 trauma care services. The categorization shall be determined  
3 2 by the department from self-reported information provided to  
3 3 the department by the hospital or emergency care facility.  
3 4 This categorization shall not be construed to imply any  
3 5 guarantee on the part of the department as to the level of  
3 6 trauma care services available at the hospital or emergency  
3 7 care facility.

3 8 b. The issuance of a certificate of verification of all  
3 9 categorized hospitals and emergency care facilities from the  
3 10 department at the level preferred by the hospital or emergency  
3 11 care facility. The standards and verification process shall  
3 12 be established by rule and may vary as appropriate by level of  
3 13 trauma care capability. To the extent possible, the standards  
3 14 and verification process shall be coordinated with other  
3 15 applicable accreditation and licensing standards.

3 16 c. Upon verification and the issuance of a certificate of  
3 17 verification, a hospital or emergency care facility agrees to  
3 18 maintain a level of commitment and resources sufficient to  
3 19 meet responsibilities and standards as required by the trauma  
3 20 care criteria established by rule under this division.

3 21 Verifications are valid for a period of three years or as  
3 22 determined by the department and are renewable. As part of  
3 23 the verification and renewal process, the department may  
3 24 conduct periodic on-site reviews of the services and  
3 25 facilities of the hospital or emergency care facility.

3 26 d. The department may establish fees to help defray the  
3 27 costs of this division. All fees generated shall be deposited  
3 28 in the emergency medical services fund established in section  
3 29 135.25.

3 30 e. This section shall not be construed to restrict the  
3 31 ability of a hospital or emergency care facility to provide  
3 32 services for which it has been duly authorized.

3 33 f. This section shall not be construed to limit the number  
3 34 and distribution of level I, II, III, and IV categorized and  
3 35 verified trauma care facilities in a community or region.

4 1 Sec. 5. NEW SECTION. 147A.24 TRAUMA SYSTEM ADVISORY  
4 2 COUNCIL ESTABLISHED.

4 3 1. A trauma system advisory council is established. The  
4 4 following organizations or officials may recommend a  
4 5 representative to the council:

- 4 6 a. American academy of pediatrics.
- 4 7 b. American college of emergency physicians, Iowa chapter.
- 4 8 c. American college of surgeons, Iowa chapter.
- 4 9 d. Department of public health.
- 4 10 e. Governor's traffic safety bureau.
- 4 11 f. Iowa emergency medical services association.
- 4 12 g. Iowa emergency nurses association.
- 4 13 h. Iowa hospital association representing rural hospitals.
- 4 14 i. Iowa hospital association representing urban hospitals.
- 4 15 j. Iowa medical society.
- 4 16 k. Iowa osteopathic medical society.
- 4 17 l. Rehabilitation services delivery representative.
- 4 18 m. State emergency medical services medical director.

- 4 19 n. State medical examiner.  
4 20 o. Trauma nurse coordinator representing a trauma registry  
4 21 hospital.  
4 22 p. University of Iowa, injury prevention research center.  
4 23 2. The council shall be appointed by the director from the  
4 24 recommendations of the organizations in subsection 1 for terms  
4 25 of two years. Vacancies on the council shall be filled for  
4 26 the remainder of the term of the original appointment.  
4 27 Members whose terms expire may be reappointed.  
4 28 3. The voting members of the council shall elect a  
4 29 chairperson and a vice chairperson and other officers as the  
4 30 council deems necessary. The officers shall serve until their  
4 31 successors are elected and qualified.  
4 32 4. The council shall do all of the following:  
4 33 a. Advise the department on issues and strategies to  
4 34 achieve optimal trauma care delivery throughout the state.  
4 35 b. Assist the department in the implementation of an Iowa  
5 1 trauma care plan.  
5 2 c. Develop criteria for the categorization of all  
5 3 hospitals and emergency care facilities according to their  
5 4 trauma care capabilities. These categories shall be for  
5 5 levels I, II, III, and IV, based on the most current  
5 6 guidelines published by the American college of surgeons  
5 7 committee on trauma, the American college of emergency  
5 8 physicians, and the model trauma care plan of the United  
5 9 States department of health and human services' health  
5 10 resources and services administration.  
5 11 d. Develop a process for the verification of the trauma  
5 12 care capacity of each facility and the issuance of a  
5 13 certificate of verification.  
5 14 e. Develop standards for medical direction, trauma care,  
5 15 triage and transfer protocols, and trauma registries.  
5 16 f. Promote public information and education activities for  
5 17 injury prevention.  
5 18 g. Review the rules adopted under this division and make  
5 19 recommendations to the director for changes to further promote  
5 20 optimal trauma care.

5 21 Sec. 6. NEW SECTION. 147A.25 SYSTEM EVALUATION AND  
5 22 QUALITY IMPROVEMENT COMMITTEE.

- 5 23 1. The department shall create a system evaluation and  
5 24 quality improvement committee to develop, implement, and  
5 25 conduct trauma care system evaluation, quality assessment, and  
5 26 quality improvement. The director shall appoint the members  
5 27 of the committee which shall include the following:  
5 28 a. Two trauma surgeons.  
5 29 b. One neurologic surgeon and one orthopedic surgeon.  
5 30 c. Two emergency physicians.  
5 31 d. Two trauma nurse coordinators.  
5 32 e. Two emergency nurses.  
5 33 f. Two out-of-hospital emergency medical care providers.  
5 34 g. Department of public health trauma coordinator.  
5 35 h. Iowa foundation of medical care director.  
6 1 i. State emergency medical services medical director.  
6 2 2. Proceedings, records, and reports developed pursuant to  
6 3 this section constitute peer review records under section  
6 4 147.135, and are not subject to discovery by subpoena or  
6 5 admissible as evidence. All information and documents  
6 6 received from a hospital or emergency care facility under this  
6 7 division shall be confidential pursuant to section 272C.6,  
6 8 subsection 4.

6 9 Sec. 7. NEW SECTION. 147A.26 TRAUMA REGISTRY.

- 6 10 1. The department shall maintain a statewide trauma  
6 11 reporting system by which the system evaluation and quality  
6 12 improvement committee, the trauma system advisory council, and  
6 13 the department may monitor the effectiveness of the statewide  
6 14 trauma care system.  
6 15 2. The data collected by and furnished to the department

6 16 pursuant to this section shall not be public records under  
6 17 chapter 22. The compilations prepared for release or  
6 18 dissemination from the data collected shall be public records  
6 19 under chapter 22, which are not subject to section 22.7,  
6 20 subsection 2. However, the confidentiality of patients is to  
6 21 be protected and the laws of this state apply with regard to  
6 22 patient confidentiality.

6 23 3. To the extent possible, activities under this section  
6 24 shall be coordinated with other health data collection  
6 25 methods.

6 26 Sec. 8. NEW SECTION. 147A.27 DEPARTMENT TO ADOPT RULES.

6 27 The department shall adopt rules, pursuant to chapter 17A,  
6 28 to implement the Iowa trauma care system plan, which specify  
6 29 all of the following:

6 30 1. Standards for trauma care.

6 31 2. Triage and transfer protocols.

6 32 3. Trauma registry procedures and policies.

6 33 4. Trauma care education and training requirements.

6 34 5. Hospital and emergency care facility categorization  
6 35 criteria.

7 1 6. Procedures for approval, denial, probation, and  
7 2 revocation of certificates of verification.

7 3 Sec. 9. NEW SECTION. 147A.28 EMERGENCY CARE & DEFENSE.

7 4 In an action for personal injury or wrongful death against  
7 5 an emergency care provider or an emergency care facility based  
7 6 upon the alleged negligence of the provider or facility,  
7 7 adherence to the Iowa trauma care system plan, rules, or  
7 8 protocols established under this division shall be an absolute  
7 9 defense against an allegation that the provider did not comply  
7 10 with the appropriate standard of care.

7 11 Sec. 10. NEW SECTION. 147A.29 PROHIBITED ACTS.

7 12 A hospital or emergency care facility that imparts or  
7 13 conveys, or causes to be imparted or conveyed, that it is a  
7 14 trauma care facility, or that uses any other term to indicate  
7 15 or imply that the hospital or emergency care facility is a  
7 16 trauma care facility without having obtained a certificate of  
7 17 verification under this division is subject to a civil penalty  
7 18 not to exceed one hundred dollars per day for each offense.  
7 19 In addition, the director may apply to the district court for  
7 20 a writ of injunction to restrain the use of the term "trauma  
7 21 care facility".

7 22 Sec. 11. IMPLEMENTATION. The trauma system advisory  
7 23 council and the Iowa department of public health, in  
7 24 implementing the Iowa trauma care system plan under this Act,  
7 25 shall utilize the findings and recommendation contained in the  
7 26 Iowa trauma care plan developed and adopted by the Iowa trauma  
7 27 systems project planning consortium. The consortium was  
7 28 organized through the Iowa department of public health in  
7 29 October 1992 to develop a statewide trauma care delivery  
7 30 system. The consortium included representatives from  
7 31 hospitals, physician groups, other health care professionals,  
7 32 and state departments involved in health care delivery. The  
7 33 consortium is abolished upon establishment of the trauma  
7 34 system advisory council.

7 35 EXPLANATION

8 1 This bill provides the department of public health with the  
8 2 authority to develop and implement a coordinated system for  
8 3 the delivery of acute trauma care for injured Iowans. This  
8 4 system of care would include development of care criteria for  
8 5 hospitals and other emergency care facilities, protocols for  
8 6 treatment of injuries, and patient transfer guidelines for  
8 7 referrals from one institution to another. The department  
8 8 would receive advice and counsel from an advisory council  
8 9 consisting of providers from representative groups as  
8 10 specified in the bill. System oversight and evaluation would  
8 11 be achieved through data collection in a trauma system  
8 12 registry and analyzed by a quality assurance committee.

8 13 Section 1 of the bill creates a new division in chapter  
8 14 147A and is appropriately titled.

8 15 Section 2 adds definitions which are used in this division.

8 16 Section 3 provides legislative findings and purpose.

8 17 Section 4 designates the department of public health as the  
8 18 lead agency for the implementation of a statewide trauma care  
8 19 system. The department would categorize all hospitals and  
8 20 emergency care facilities to determine their capabilities to  
8 21 provide acute trauma care. After this categorization, all  
8 22 categorized facilities would then go through a verification  
8 23 process. The department is given the authority to establish  
8 24 fees to help defray costs.

8 25 Section 5 creates the trauma system advisory council to  
8 26 assist the department in implementing this bill.

8 27 Section 6 creates a system evaluation committee and  
8 28 provides confidentiality protection for the peer review  
8 29 activities of the committee.

8 30 Section 7 establishes a data reporting process to monitor  
8 31 and evaluate the implementation and effectiveness of the  
8 32 system.

8 33 Section 8 give the department the authority to adopt rules.

8 34 Section 9 extends immunity from civil liability to  
8 35 providers practicing under the protocols established under the  
9 1 bill.

9 2 Section 10 allows the department to enjoin and assess a  
9 3 civil penalty against hospitals or emergency care facilities  
9 4 which misrepresent their trauma care capabilities as certified  
9 5 under the bill.

9 6 LSB 1852SC 76  
9 7 cl/cf/24