

ACT No. 248

HOUSE BILL NO. 272 (Duplicate of Senate Bill No. 235)

BY REPRESENTATIVE DURAND AND SENATOR MCPHERSON AND COAUTHORED BY REPRESENTATIVES THOMPSON, SALTER, JOHN SMITH, STRAIN, TOOMY, CURTIS, DOERGE, DORSEY, GRAY, E. GUILLORY, M. GUILLORY, KATZ, MARCHAND, MCDONALD, STRAIN, WADDELL, WALKER, WINSTON, ALEXANDER, ANSARDI, ARNOLD, BADON, BALDONE, BAUDOIN, BAYLOR, BEARD, BROOME, BRUCE, BURNS, BURRELL, K. CARTER, R. CARTER, CAZAYOUX, CROWE, DAMICO, DANIEL, DARTEZ, DEWITT, DOVE, DOWNS, ERDY, FANNIN, FARRAR, FAUCHEUX, FLAVIN, FRITH, FUTRELL, GALLOT, GLOVER, HEATON, HEBERT, HILL, HONEY, HOPKINS, HUNTER, JACKSON, JEFFERSON, KENNEY, LAFLEUR, MARTINY, MCVEA, MONTGOMERY, MURRAY, ODINET, PIERRE, PINAC, PITRE, M. POWELL, T. POWELL, QUEZAIRE, RICHMOND, RITCHIE, ROMERO, SHEPHERD, SMILEY, GARY SMITH, JACK SMITH, JANE SMITH, ST. GERMAIN, TOWNSEND, TRICHE, TUCKER, AND WRIGHT AND SENATORS BARHAM, HINES, JONES, AND SCHEDLER

1 AN ACT

2 To amend and reenact R.S. 36:801.1(A) and to enact R.S. 36:259(J) and Chapter 34 of Title
3 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:2841
4 through 2846, relative to the Louisiana Emergency Response Network (LERN); to
5 provide for statement of purpose; to provide for definitions; to provide for the
6 creation of the Louisiana Emergency Response Network; to provide for the board and
7 its membership, appointments, terms of office, vacancies, meetings, compensation,
8 functions, powers, and duties; to provide for rules and regulations; to provide for an
9 effective date; and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 36:801.1(A) is hereby amended and reenacted and R.S. 36:259(J)
12 is hereby enacted to read as follows:

13 §259. Transfer of agencies and functions to Department of Health and Hospitals

14 * * *

15 J. The Louisiana Emergency Response Network Board (R.S. 40:2841-2846)

16 is placed within the Department of Health and Hospitals and shall exercise and

1 perform its powers, duties, functions, and responsibilities in the manner provided for
2 agencies transferred in accordance with R.S. 36:801.1.

3 * * *

4 §801.1. Transfer, retention of all functions

5 A. The agencies transferred by the provisions of R.S. 36:4(G), R.S. 36:4.1(C)
6 and (G), R.S. 36:53(H), R.S. 36:209(R), R.S. 36:259(J), R.S. 36:409(N), R.S.
7 36:509(O), R.S. 36:651(D), R.S. 36:725(A), and R.S. 36:769(J) shall continue to be
8 comprised and selected as provided by law.

9 * * *

10 Section 2. Chapter 34 of Title 40 of the Louisiana Revised Statutes of 1950,
11 comprised of R.S. 40:2841 through 2846, is hereby enacted to read as follows:

12 CHAPTER 34. LOUISIANA EMERGENCY RESPONSE NETWORK (LERN)

13 §2841. Legislative purpose

14 The legislature declares that in order to safeguard the public health, safety,
15 and welfare of the people of this state against unnecessary trauma and time-sensitive
16 related deaths and incidents of morbidity due to trauma, a comprehensive,
17 coordinated statewide system for access to regional trauma-patient care throughout
18 the state be established. This system shall be compatible and interfaced with the
19 Louisiana Military Department, Office of Homeland Security and Emergency
20 Preparedness.

21 §2842. Definitions

22 As used in this Chapter the following terms shall have the following
23 meanings:

24 (1) "Board" means the Louisiana Emergency Response Network Board.

25 (2) "Department" means the Department of Health and Hospitals.

26 (3) "Louisiana Emergency Response Network" means the statewide system
27 of regional trauma-patient care that is an organized, seamless, coordinated effort
28 among each component of care including pre-hospital, acute care, post-acute care,
29 rehabilitation, and injury prevention in a defined geographic area which provides

1 access to local health systems for time-sensitive patient care treatment and is
2 integrated with local public health systems and the Louisiana Office of Homeland
3 Security and Emergency Preparedness.

4 (4) "Network" means the Louisiana Emergency Response Network.

5 §2843. Louisiana Emergency Response Network; creation; domicile

6 A. The Louisiana Emergency Response Network is hereby created as a
7 network which, through its board, shall direct the efforts to decrease trauma-related
8 deaths and incidents of morbidity and mortality due to trauma in Louisiana By
9 maximizing the integrated delivery of optimal resources for patients who ultimately
10 need acute trauma care, the network shall address the daily demands of trauma care
11 and form the basis for disaster preparedness. The resources required for each
12 component of the system shall be clearly identified, deployed, and studied to ensure
13 that all injured patients gain access to the appropriate level of care in a timely,
14 coordinated, and cost-effective manner.

15 B. The domicile of the network shall be Baton Rouge, Louisiana.

16 §2844. Governing board; membership, appointment, terms, compensation, vacancies

17 A. There is hereby established within the department the Louisiana
18 Emergency Response Network Board.

19 B. The network shall be governed by a board of twenty members which shall
20 include:

21 (1) One member from nominees submitted by the Louisiana Ambulance
22 Association.

23 (2) One member from nominees submitted by the Rural Hospital Coalition
24 to represent hospitals with fewer than sixty beds.

25 (3) One member from nominees submitted by the Metropolitan Hospital
26 Council of New Orleans to represent hospitals with one hundred beds or more.

27 (4) One member from nominees submitted by the Louisiana Hospital
28 Association to represent a service district hospital.

1 (5) Two members from nominees submitted by the Department of Health and
2 Hospitals which shall include a member from the office of mental health.

3 (6) One member from nominees submitted by the Louisiana Military
4 Department, Office of Homeland Security and Emergency Preparedness.

5 (7) Two members from nominees submitted by the Louisiana State Medical
6 Society which shall include a member specializing in pediatric surgery.

7 (8) One member from nominees submitted by the Louisiana Medical
8 Association.

9 (9) One member from nominees submitted by the Committee on Trauma or
10 American College of Surgeons.

11 (10) One member from nominees submitted by the Louisiana American
12 College of Emergency Physicians.

13 (11) One member from nominees submitted by the Louisiana State
14 University Health Sciences Center at Shreveport.

15 (12) One member from nominees submitted by the Louisiana State
16 University Health Sciences Center at New Orleans.

17 (13) One member from nominees submitted by Tulane University Health
18 Sciences Center.

19 (14) One member from nominees submitted by the Louisiana State Coroners
20 Association.

21 (15) Two members from the Louisiana House of Representatives.

22 (16) Two members from the Louisiana Senate.

23 C.(1) The members listed in Paragraphs (B)(1) through (14) of this Section
24 shall be appointed by the governor from a list of qualified candidates nominated by
25 the respective organizations.

26 (2) The organizations listed in Paragraphs (B)(1) through (14) of this Section
27 shall each submit a list of at least four nominees for the respective board position to
28 the governor.

1 (3) The members listed in Paragraphs (B)(15) and (16) of this Section shall
2 be appointed by the speaker of the House of Representatives and the president of the
3 Senate, respectively.

4 D. All members of the board shall serve terms of three years, except for
5 initial terms beginning on the effective date of this Chapter, and determined by lot
6 at the first meeting of the board as follows:

7 (1) Six shall serve until July 1, 2005.

8 (2) Seven shall serve until July 1, 2006.

9 (3) Seven shall serve until July 1, 2007.

10 E. The chairman shall be elected by the board for a term to be determined by
11 the board and no member shall serve more than two consecutive terms as chairman.

12 F. Each appointment by the governor shall be subject to Senate confirmation.

13 G. Each board member shall serve without compensation. Legislators shall
14 receive the same per diem and travel reimbursement for attending meetings of the
15 board as is normally provided for members of the legislature. Nonlegislative board
16 members may receive reimbursement for expenses in accordance with the guidelines
17 of the entity they represent.

18 H. The board shall adopt rules and regulations to provide for the governance
19 of the board. Such rules and regulations shall include but not be limited to:

20 (1) Procedures for the election of board officers, including terms of office
21 and methods and grounds for removal.

22 (2) Procedures and grounds for the removal of any board member. Grounds
23 for removal shall include conviction of a felony or may include failure to meet board
24 attendance rules as provided by rule.

25 I. Procedures for filling a vacancy created by the removal, resignation, or
26 death of any board member prior to the end of the board member's term shall follow
27 those used for initial appointments.

1 §2845. Board; functions, powers, and duties

2 A. The board shall:

3 (1) Provide for the development, implementation, and support of a statewide
4 system that provides access to care in a seamless, coordinated manner for trauma and
5 time-sensitive injured patients based upon the participation of public and private pre-
6 hospital, acute care, post-acute care, and rehabilitation programs located throughout
7 Louisiana.

8 (2) Provide for implementation of a network and plan designed to achieve:

9 (a) A reduction of deaths and incidents of morbidity caused by trauma and
10 time-sensitive illnesses.

11 (b) A reduction in the number and severity of disabilities caused by trauma.

12 (c) Measures to demonstrate a return on investment for the LERN system.

13 (d) Implementation of regional injury prevention programs.

14 (3)(a) Establish and appoint nine regional commissions that correspond with
15 the nine administrative regions of the department. These regional commissions shall
16 implement and manage each regional component of the network. The board shall
17 promulgate rules and regulations to provide for the duties and responsibilities of the
18 nine regional commissions.

19 (b) The membership of each commission shall consist of the following
20 members including but not limited to:

21 (i) A representative from the Office of Homeland Security and Emergency
22 Preparedness.

23 (ii) The Department of Health and Hospitals, office of public health regional
24 medical director.

25 (iii) A representative of local ambulance services.

26 (iv) A representative of emergency medical response.

27 (v) A hospital chief executive officer or administrative representative from
28 a hospital with less than sixty beds.

1 (vi) A hospital chief executive officer or administrative representative from
2 a hospital with more than one hundred beds.

3 (vii) A hospital chief executive officer or an administrative representative
4 from a service district hospital.

5 (viii) A representative of the local component society of the Louisiana State
6 Medical Society.

7 (ix) A representative of the local chapter of the Louisiana Medical
8 Association.

9 (x) A specialist from the American College of Emergency Physicians.

10 (xi) A specialist from the American College of Surgeons.

11 (xii) A representative from the Louisiana Chapter of the National Emergency
12 Number Association.

13 (4)(a) Enter into interagency agreements with the department, the Office of
14 Homeland Security and Emergency Preparedness, and such other entities, public or
15 private, as may be necessary to assure continuity of care during emergencies.

16 (b) Agreements between the board and these entities shall provide for the
17 protocols of mandatory data collection and shall include provisions regarding the
18 specific data to be shared among the entities, the individual or individuals allowed
19 by each party to have access to the other party's data, and the security arrangements
20 between the parties to ensure the protection of the data from unauthorized access that
21 would threaten the privacy of individuals and the confidentiality of the data.

22 (c) The parties shall not agree to share data pursuant to a specific agreement
23 if any law would otherwise prohibit the sharing of such data by the parties.

24 (d) The parties shall protect all individually identifiable health information
25 to the extent of their ability within the context of the mission of the Louisiana
26 Emergency Response Network.

27 (5) Hold regular quarterly meetings and special meetings as necessary for the
28 conduct of its business. Special meetings may be called upon forty-eight-hour notice

1 by the chairperson, or in his absence, upon the written authorization of a majority of
2 the members of the board.

3 B. In addition to its function as provided in Subsection A of this Section, the
4 board shall have the following powers and duties:

5 (1) To enter into any contract related to its responsibilities in compliance
6 with this Chapter and other state laws.

7 (2) To employ an executive director and necessary staff to oversee the
8 operations of the network and to be responsible to the board for the administration
9 and coordination of all aspects of the network.

10 (3) To standardize and review performance indicators that evaluate the
11 quality of services delivered by the network and to ensure that improvement in the
12 quality of services delivered is accomplished and documented.

13 (4) Shall apply for all available appropriate public and all available
14 appropriate public and private federal grants, donations, or gifts of money or services
15 from any available source.

16 C.(1) The board shall submit an annual written report to the Senate and
17 House Committees on Health and Welfare at least thirty days prior to each regular
18 session. The report shall include a summary of the data relevant to the goals set forth
19 in Paragraph (A)(2) of this Section and all other information relevant to
20 trauma-patient care and its delivery in Louisiana through the network.

21 (2) The board shall submit any additional reports or information to the
22 secretary of the department upon request of the secretary and the Senate and House
23 Committees on Health and Welfare upon request of the chairman of either
24 committee.

25 D. The board may accept grants, donations, or gifts of money or services
26 from public or private organizations or from any other sources to be utilized for the
27 purposes of the board.

1 §2846. Rules and regulations; Department of Health and Hospitals

2 A. The board shall adopt and revise such rules and regulations as may be
3 necessary to enable it to carry into effect the provisions of this Chapter. Such rules
4 and regulations shall be promulgated in accordance with the Administrative
5 Procedure Act.

6 B. The rules and regulations shall be submitted to the House and Senate
7 Committees on Health and Welfare.

8 C. Upon request of the board, the department shall provide advice,
9 information, and assistance to the board concerning rules to be promulgated by the
10 board.

11 Section 3. This Act shall hereafter be referred to as the "Heather, Skylar, and Ellie
12 Law" in memory of Heather Greer, Skylar Jarreau, Ellie Waring, and other trauma victims.

13 Section 4. This Act shall become effective upon signature by the governor or, if not
14 signed by the governor, upon expiration of the time for bills to become law without signature
15 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
16 vetoed by the governor and subsequently approved by the legislature, this Act shall become
17 effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____