

75-5666. Trauma registry, development; data collection, immunity from liability for entities reporting, confidentiality of information. (a) The secretary of health and environment shall develop and maintain a statewide trauma registry. All prehospital trauma providers, designated trauma facilities and medical care facilities that provide any service or care to or for persons with trauma injury in this state shall collect and report to the trauma registry data and information deemed appropriate by the secretary to monitor patient outcome.

(b) The secretary is hereby authorized to collect data pertaining to all trauma care occurring in Kansas. The secretary shall adopt rules and regulations which use the most efficient, least intrusive means for collecting the trauma care data consistent with ensuring the quality, timeliness, completeness and confidentiality of the trauma registry.

(c) Any health care provider, whether a person or institution, who reports trauma information to the registry in good faith and without malice, in accordance with the requirements of this section, shall have immunity from any liability, civil or criminal, which might otherwise be incurred or imposed in an action resulting from such report. Notwithstanding K.S.A. 60-427, and amendments thereto, there shall be no privilege preventing the furnishing of such information or reports as required by this act by any health care provider. Nothing in this section shall be construed to apply to the unauthorized disclosure of confidential or privileged information when such disclosure is due to gross negligence or willful misconduct.

(d) The information obtained by the trauma registry, including discussions and activities using the information generated from the trauma registry, shall be confidential and shall not be disclosed or made public, upon subpoena or otherwise, except such information may be disclosed if:

- (1) No person can be identified in the information to be disclosed and the disclosure is for statistical purposes;
- (2) all persons who are identifiable in the information to be disclosed consent in writing to its disclosure;
- (3) the disclosure is necessary, and only to the extent necessary, to protect the public health and to support quality improvement as defined in K.S.A. 65-4914 and 65-4915, and amendments thereto; or
- (4) the information to be disclosed is required in a court proceeding involving child abuse and the information is disclosed in camera.

History: L. 1999, ch. 127, § 4; L. 2006, ch. 111, § 2; July 1.