

Testimony on House Bill 2158
House Financial Institutions and Rural Development Committee
Wednesday, February 10, 2021
Wendy O'Hare, Trauma Program Director
Kansas Department of Health and Environment

Chairperson Kelly and members of the House Financial Institutions and Rural Development Committee thank you for the opportunity to provide testimony in support of HB 2158.

My name is Wendy O'Hare and I am the Director for the Kansas Trauma Program. This program is within the Bureau of Community Health Systems of the Kansas Department of Health and Environment. The Trauma Program's mission is to promote the reduction of human suffering and associated costs by matching patient needs to medical resources; increasing public and professional injury education; and identifying standards for quality care of the injured.

In 1999, the legislature passed legislation (K.S.A. 75-5663 to 75-5670) establishing an Advisory Committee on Trauma and designated the Department of Health and Environment as the administering agency for a state trauma program including the Regional Trauma Councils, a statewide Trauma Registry, and consultation with the Advisory Committee on Trauma. This Committee is comprised of 20 governor-appointed members from across the state who volunteer their time and are selected such that both urban and rural areas of Kansas are represented. Additionally, there are four legislators who serve on the Advisory Committee on Trauma.

The Advisory Committee on Trauma is essential in the Kansas Department of Health and Environment's mission to protect and improve the health and environment of all Kansans. The two sunset clauses revolve around protection from disclosure of healthcare providers during regional performance improvement meetings and performance improvement activities which can occur at Advisory Committee on Trauma meetings. These performance improvement initiatives are the agency's way of ensuring trauma patients are treated and transported in accordance with the latest industry standard. Kansans who are injured will benefit by trauma centers improving their own local policies. Without protection of the healthcare provider, performance improvement initiatives will be difficult, if not impossible, to be conducted. This leaves the agency unable to gauge the improvements of statewide trauma performance and the care being provided to injured patients in Kansas.

Healthcare providers instinctively seek ways to improve the treatment of their patients. One of the main ways providers hone and improve their skills is through peer review. Peer reviews give providers the opportunity to openly speak about cases without a risk of publicly disclosing patients' protected health information. Allowing these clauses to sunset will allow healthcare providers the opportunity to take part in these important activities. This bill:

- recommends K.S.A. 75-5664 be amended.
 - This statute allows protection from disclosure to Advisory Committee on Trauma members as

defined in K.S.A. 65-4915 when discussing protected health information during peer review sessions. Peer review sessions are conducted in closed session and participants are restricted to select Advisory Committee on Trauma members and those healthcare providers directly involved in the care of the patient or case being reviewed.

- recommends K.S.A. 75-5665 be amended.
 - This statute allows protection from disclosure to all healthcare providers as defined in K.S.A. 65-4915 when discussing protected health information during regional peer review sessions. Peer review committees consist of select regional executive committee members who are physicians, nurses, and emergency medical service personnel. These peer review sessions are conducted in closed session and include only the peer review committee and those healthcare providers who were directly involved in the care of the patient or case being reviewed.

This initiative would have a positive impact in the continued protection of healthcare providers from disclosure during peer review for performance improvement. If this initiative is unsuccessful, the healthcare providers across the state would decline participation in any performance improvement activities both at the state and regional levels. This peer review is important to the continued improvement of trauma care for all injured patients in Kansas. It is through this process that traumatic injury prevention programs are developed and monitored.