

# SENATE BILL No. 396

---

## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 16-21-10; IC 16-31-2-9.

**Synopsis:** Statewide trauma protocols. Requires specified hospitals to adopt written protocols concerning adult trauma care and pediatric trauma care. Requires the emergency medical services commission to adopt statewide and regional protocols concerning the treatment of adult and pediatric trauma care patients.

**Effective:** July 1, 2005.

---

---

**Broden**

---

---

January 11, 2005, read first time and referred to Committee on Health and Provider Services.

---

---

C  
O  
P  
Y



First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

C  
o  
p  
y

**SENATE BILL No. 396**



A BILL FOR AN ACT to amend the Indiana Code concerning health.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 16-21-10 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2005]:

**Chapter 10. Hospital Protocol for Trauma Care**

5 **Sec. 1. (a) Before January 1, 2006, a hospital licensed under this**  
6 **article that is not designated by the American College of Surgeons**  
7 **as:**

8 (1) a level I adult trauma care center or a level II adult  
9 trauma care center; or

10 (2) a level I pediatric trauma care center or a level II pediatric  
11 trauma care center;

12 shall adopt written protocols concerning adult trauma care and  
13 pediatric trauma care provided by the hospital.

14 (b) A hospital licensed under this article that is designated by  
15 the American College of Surgeons as a level I adult trauma care  
16 center or level II adult trauma care center but is not designated as  
17 a level I pediatric trauma care center or level II pediatric trauma



1 care center shall adopt written protocols for pediatric trauma care  
2 provided by the hospital.

3 (c) A hospital licensed under this article that is designated by the  
4 American College of Surgeons as a level I pediatric trauma care  
5 center or level II pediatric trauma care center but is not designated  
6 as a level I adult trauma care center or level II adult trauma care  
7 center shall adopt written protocols for adult trauma care  
8 provided by the hospital.

9 Sec. 2. Protocols required under section 1 of this chapter must  
10 include policies and procedures concerning the following:

11 (1) The evaluation of a trauma care patient, including criteria  
12 to identify a trauma care patient who requires a level of adult  
13 or pediatric trauma care that exceeds the hospital's  
14 capability.

15 (2) The emergency treatment and stabilization of a trauma  
16 care patient before the patient is transferred to an  
17 appropriate level of adult or pediatric trauma care center.

18 (3) The timely transfer of a trauma care patient to an  
19 appropriate level of adult or pediatric trauma care center  
20 based on the patient's medical needs, including the following:

21 (A) Notification of and consultation with the receiving  
22 hospital and confirmation of the receiving hospital's ability  
23 to provide prompt care for the patient's medical needs.

24 (B) Selection of an alternative appropriate adult trauma  
25 care center or pediatric trauma care center to receive the  
26 patient if medical personnel determine that it is not  
27 feasible or safe to transport a patient to a trauma care  
28 center to which transfer was previously arranged.

29 (C) Transportation.

30 (D) Transfer of the patient's medical records to the  
31 receiving hospital.

32 (E) Responsibilities of the physicians attending the patient.

33 (4) Peer review and quality assurance for adult trauma care  
34 and pediatric trauma care provided in or by the hospital.

35 Sec. 3. Except as provided under section 4 of this chapter, a  
36 hospital shall enter into the following written agreements:

37 (1) An adult trauma care patient transfer agreement:

38 (A) with one (1) or more adult trauma care centers in each  
39 level designation that have a trauma care center level  
40 designation reflecting the trauma care center's ability to  
41 provide care for patients with a greater severity of illness  
42 than the hospital is qualified to provide; and

C  
o  
p  
y



1                   **(B) that governs the procedure for transferring a patient**  
2                   **from the hospital to the trauma care center.**  
3                   **(2) A pediatric trauma care patient transfer agreement:**  
4                   **(A) with one (1) or more pediatric trauma care centers in**  
5                   **each level designation reflecting the trauma care center's**  
6                   **ability to provide care for patients with a greater severity**  
7                   **of illness than the hospital is qualified to provide; and**  
8                   **(B) that governs the procedure for transferring a patient**  
9                   **from the hospital to the trauma care center.**  
10                   **Sec. 4. (a) A hospital that is designated as a level I adult trauma**  
11                   **care center or a level II adult trauma care center is not required to**  
12                   **enter into an adult trauma care patient transfer agreement with**  
13                   **another adult trauma care center.**  
14                   **(b) A hospital that is designated as a level I pediatric trauma**  
15                   **care center or level II pediatric trauma care center is not required**  
16                   **to enter into a pediatric trauma care patient transfer agreement**  
17                   **with another pediatric trauma care center.**  
18                   **Sec. 5. A hospital may not knowingly represent that the hospital**  
19                   **is able to provide trauma care if the representation is inconsistent**  
20                   **with the hospital's trauma care center designation level. However,**  
21                   **a hospital that operates an emergency facility may represent that**  
22                   **the hospital provides emergency care.**  
23                   **Sec. 6. A hospital may not knowingly provide trauma care that**  
24                   **is inconsistent with:**  
25                   **(1) federal law;**  
26                   **(2) state law;**  
27                   **(3) a trauma care protocol required under this chapter; or**  
28                   **(4) a trauma care patient transfer agreement required under**  
29                   **this chapter.**  
30                   **Sec. 7. A hospital may not knowingly transfer an adult trauma**  
31                   **care patient or a pediatric trauma care patient:**  
32                   **(1) to a hospital that does not have a trauma care center**  
33                   **designation level that is necessary for the patient's severity of**  
34                   **illness; or**  
35                   **(2) in a manner that violates a trauma care patient transfer**  
36                   **agreement entered into by the hospital under this chapter.**  
37                   **SECTION 2. IC 16-31-2-9 IS AMENDED TO READ AS**  
38                   **FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 9. The commission**  
39                   **shall establish the following:**  
40                   **(1) Standards for persons who provide emergency medical**  
41                   **services and who are not licensed or regulated under IC 16-31-3.**  
42                   **(2) Training and certification standards for the use of automatic**

**C**  
**O**  
**P**  
**Y**



1 and semiautomatic defibrillators by first responders.

2 (3) Training standards for the administration of antidotes,  
3 vaccines, and antibiotics to prepare for or respond to a terrorist or  
4 military attack.

5 (4) Training and certification standards for the administration of  
6 epinephrine through an auto-injector by:

7 (A) an emergency medical technician; or

8 (B) an emergency medical technician-basic advanced.

9 (5) Training standards to permit the use of antidote kits containing  
10 atropine and pralidoxime chloride for the treatment of exposure  
11 to nerve agents by an emergency medical technician-basic  
12 advanced, an emergency medical technician, or a first responder.

13 **(6) Statewide written protocols for a person who provides  
14 emergency medical services concerning the treatment of adult  
15 trauma care patients and pediatric trauma care patients in  
16 Indiana. The protocols must do the following:**

17 **(A) Require that a trauma care patient be transported  
18 directly to an adult trauma care center or a pediatric  
19 trauma care center that is qualified to provide the  
20 appropriate level of care necessary for the patient unless:**

21 **(i) it is medically necessary to transport the patient to  
22 another hospital for initial assessment and stabilization  
23 before transferring the patient to an adult trauma care  
24 center or a pediatric trauma care center;**

25 **(ii) it is unsafe or medically inappropriate to transport  
26 the patient directly to an adult trauma care center or a  
27 pediatric trauma care center due to adverse weather or  
28 ground conditions or excessive transport time;**

29 **(iii) transport of the patient to an adult trauma care  
30 center or a pediatric trauma care center would cause a  
31 shortage of local emergency medical service resources;**

32 **(iv) an appropriate adult trauma care center or pediatric  
33 trauma care center is unable to receive and provide  
34 trauma care to the patient without undue delay; or**

35 **(v) before transport of the patient, the patient requests  
36 transport to a particular hospital that is not a trauma  
37 care center or, if the patient is less than eighteen (18)  
38 years of age or the patient is unable to communicate, the  
39 request is made by an adult member of the patient's  
40 family or a legal representative of the patient.**

41 **(B) Define adult trauma care and pediatric trauma care.**

42 **(C) Establish procedures to be used by medical personnel**

**C  
O  
P  
Y**



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15

in evaluating whether a patient requires or would benefit from adult trauma care or pediatric trauma care.  
**(7) Regional written protocols for the treatment of adult trauma care patients and pediatric trauma care patients. The regional protocols must do the following:**  
**(A) Require a trauma care patient to be transported to a trauma care center that is able to provide an appropriate level of adult trauma care or pediatric trauma care.**  
**(B) Prohibit discrimination among adult trauma care centers and pediatric trauma care centers by emergency medical personnel for reasons that are not related to the patient's medical needs.**  
**If a regional protocol adopted under this subdivision conflicts with a statewide protocol adopted under subdivision (6), the regional protocol controls.**

**C**  
**O**  
**P**  
**Y**

