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| **Nebraska Brain Injury Registry Act****Chapter 81** |
| **Summary**The Nebraska Department of Health and Human Services (DHHS), Division of Public Health maintains a central registry for traumatic brain injuries (TBIs). Any hospital, rehabilitation center, psychologist or physician is required to report information about the person sustaining the injury to the department. This information includes name, Social Security number (if known), date of birth, gender, residence, date of injury, final diagnosis or classification of injury, cause of injury, place where injury occurred, identification of the reporting source, dispensation upon discharge, and any additional information. Diagnosis and treatment information are collected from the patient’s medical record. Nebraska VR maintains an agreement with DHHS, Division of Public Health to provide the required follow-up contact in the form of a letter and brochure listing TBI resources and contact information to each individual placed on the Registry. |
| **Responsible State Department**The Nebraska Department of Health and Human Services (DHHS), Division of Public Health maintains a central registry for TBIs. The Nebraska VR is responsible for the follow up to provide information. |
| **Federal Legislation/Funding**The Nebraska VR was awarded a U.S. Administration for Community Living (ACL) Traumatic Brain Injury (TBI) State Partnership Program grant in 2018 of which funding is used to pay for the follow-up mailing to individuals newly reported and for an annual report completed by the department with regard to data collected. |
| **How do the State Statutes Apply to People with Brain Injury?**The law provides a method to obtain information about the extent of brain injury in the state, as well as a method to follow up. |
| **Pertinent Sections**Section 81-654 defines brain injury; Section 81-657 outlines who reports and what information to be collected; and Section 81-659 pertains to confidentiality. Cross references: Section 81-663—Section 81-665 pertain to release of data for purposes of research to protect the health and safety of the citizens of Nebraska by assisting in the prevention, cure, and control of specific diseases or injuries, including TBI. |
| **Relevant Organizations/Partners:**Brain Injury Alliance of Nebraska; Nebraska Disability Rights. |
| **Web page Link:**<https://braininjury.nebraska.gov/resources/brain-injury-data-and-statistics> |

**Section 81-653. Act, how cited; brain injury registry; legislative intent.**

(1) Sections [81-653](https://nebraskalegislature.gov/laws/statutes.php?statute=81-653) to [81-662](https://nebraskalegislature.gov/laws/statutes.php?statute=81-662) shall be known and may be cited as the Brain Injury Registry Act.

(2) The intent of the Brain Injury Registry Act is to require the establishment and maintenance of a brain injury registry in and for the State of Nebraska.

(3) The purpose of the brain injury registry is to provide a central data bank of accurate, precise, and current information to assist in the statistical identification of persons with brain or head injury, planning for the treatment and rehabilitation of such persons, and the prevention of such injury.

**Source:**

* Laws 1992, LB 308, § 1;
* [Laws 2008, LB928, § 33.](https://nebraskalegislature.gov/FloorDocs/100/PDF/Slip/LB928.pdf)

**Section 81-654. Brain injury registry; terms, defined.**

For purposes of the Brain Injury Registry Act:

(1) Brain or head injury means clinically evident neurotrauma resulting directly or indirectly from closed or penetrating brain or head trauma, infection, febrile condition, anoxia, vascular lesions, toxin, or spinal cord injury, not primarily related to congenital or degenerative conditions, chemical dependency, or aging processes, which impairs mental, cognitive, behavioral, or physical functioning; and

(2) Department means the Department of Health and Human Services.

**Source:**

* Laws 1992, LB 308, § 2;
* Laws 1996, LB 1044, § 851;
* [Laws 2007, LB296, § 741;](https://nebraskalegislature.gov/FloorDocs/100/PDF/Slip/LB296.pdf)
* [Laws 2008, LB928, § 34.](https://nebraskalegislature.gov/FloorDocs/100/PDF/Slip/LB928.pdf)

**Section 81-655. Brain injury registry; Department of Health and Human Services; establish and maintain; information released.**

The department shall establish and maintain the brain injury registry. The registry shall consist of information concerning persons with brain or head injury that occurs within the state. The registry shall include such information as the department deems necessary and appropriate for the statistical identification of persons with brain or head injury, planning for the treatment and rehabilitation of such persons, and the prevention of such injury. Any information released from the registry shall be disclosed as Class I, Class II, and Class IV data as provided in sections [81-663](https://nebraskalegislature.gov/laws/statutes.php?statute=81-663) to [81-675](https://nebraskalegislature.gov/laws/statutes.php?statute=81-675).

**Source:**

* Laws 1992, LB 308, § 3;
* Laws 1993, LB 536, § 120;
* [Laws 2008, LB928, § 35.](https://nebraskalegislature.gov/FloorDocs/100/PDF/Slip/LB928.pdf)

**Section 81-656. Brain injury registry; Department of Health and Human Services; duties.**

In order to implement the intent and purposes of the Brain Injury Registry Act, the department shall:

(1) Adopt and promulgate necessary rules and regulations to carry out the act, including, but not limited to, a uniform system of classification of brain or head injury which is consistent with medically and clinically accepted standards and definitions for use in reporting by treating medical personnel and hospitals. In adopting and promulgating such rules and regulations, the department shall be guided by the standards and definitions of the International Classification of Disease, Clinical Modification Coding System of the World Health Organization;

(2) Execute any contracts that the department deems necessary to carry out the act; and

(3) Comply with all necessary requirements in order to obtain funds or grants.

**Source:**

* Laws 1992, LB 308, § 4;
* Laws 1993, LB 536, § 121;
* [Laws 2005, LB 301, § 66;](https://nebraskalegislature.gov/FloorDocs/99/PDF/Slip/LB301.pdf)
* [Laws 2008, LB928, § 36.](https://nebraskalegislature.gov/FloorDocs/100/PDF/Slip/LB928.pdf)

**Section 81-657. Brain injury registry; physician, psychologist, hospital, and rehabilitation center; report required; contents.**

(1) If a person with brain or head injury is treated in this state in the office of a physician or psychologist licensed to practice in this state but is not admitted to a hospital within this state, the treating physician or psychologist shall provide a report of such injury to the department within thirty days after such treatment and identification of the person sustaining such injury.

(2) If a person with brain or head injury is admitted to or treated at a hospital or a rehabilitation center located within a hospital in this state, such hospital or rehabilitation center shall provide a report of such injury to the department within thirty days after the discharge of such person from the hospital or rehabilitation center.

(3) A report provided under this section shall contain the following information about the person who has sustained the brain or head injury, if known:

(a) Name;

(b) Date of birth;

(c) Gender;

(d) Residence;

(e) Date of the injury;

(f) Final diagnosis or classification of the injury according to the International Classification of Disease, Clinical Modification Coding System of the World Health Organization, as adopted by the department;

(g) Cause of the injury and, if practicable, whether the injury resulted from an accident involving the use of alcohol;

(h) Place or site of occurrence of the injury;

(i) Identification of the reporting source;

(j) Disposition upon discharge;

(k) Payor source; and

(l) Any additional information the department deems necessary and appropriate to carry out the purposes of the Brain Injury Registry Act.

**Source:**

* Laws 1992, LB 308, § 5;
* Laws 1998, LB 1073, § 163;
* [Laws 2001, LB 152, § 1;](https://nebraskalegislature.gov/FloorDocs/97/PDF/Slip/LB152.pdf)
* [Laws 2006, LB 1178, § 1;](https://nebraskalegislature.gov/FloorDocs/99/PDF/Slip/LB1178.pdf)
* [Laws 2007, LB463, § 1312;](https://nebraskalegislature.gov/FloorDocs/100/PDF/Slip/LB463.pdf)
* [Laws 2008, LB928, § 37.](https://nebraskalegislature.gov/FloorDocs/100/PDF/Slip/LB928.pdf)

**Section 81-659. Brain injury registry; certain data; confidential; access; when.**

No patient-identifying data as defined in section [81-664](https://nebraskalegislature.gov/laws/statutes.php?statute=81-664) shall be disclosed, made public, or released by the department to any public or private person or entity. All other data obtained from medical records of persons sustaining brain or head injury is for the confidential use as Class I, Class II, or Class IV data of the department and the private or public persons or entities that the department determines may view such records as provided in sections [81-663](https://nebraskalegislature.gov/laws/statutes.php?statute=81-663) to [81-675](https://nebraskalegislature.gov/laws/statutes.php?statute=81-675).

**Source:**

* Laws 1992, LB 308, § 7;
* Laws 1993, LB 536, § 122;
* [Laws 2008, LB928, § 38.](https://nebraskalegislature.gov/FloorDocs/100/PDF/Slip/LB928.pdf)

**Section 81-660. Brain injury registry; liability for providing information; limitation.**

No physician, psychologist, hospital, or administrator, officer, or employee of a hospital or medical professional who is in compliance with sections [81-657](https://nebraskalegislature.gov/laws/statutes.php?statute=81-657) and [81-663](https://nebraskalegislature.gov/laws/statutes.php?statute=81-663) to [81-675](https://nebraskalegislature.gov/laws/statutes.php?statute=81-675) shall be civilly or criminally liable for disclosing the information required under section [81-657](https://nebraskalegislature.gov/laws/statutes.php?statute=81-657).

**Source:**

* Laws 1992, LB 308, § 8;
* Laws 1993, LB 536, § 123;
* [Laws 2006, LB 1178, § 2;](https://nebraskalegislature.gov/FloorDocs/99/PDF/Slip/LB1178.pdf)
* [Laws 2008, LB928, § 39.](https://nebraskalegislature.gov/FloorDocs/100/PDF/Slip/LB928.pdf)

**Section 81-662. Brain injury; department; provide information regarding services.**

Within thirty days after receiving a report of brain or head injury, the department shall provide relevant and timely information to the person with such injury to assist such person in accessing necessary and appropriate services relating to such injury. The department may develop such information or utilize information developed by other sources and approved by the department. The department may provide such information directly or contract with an appropriate entity to provide such information. Costs associated with providing such information shall be paid from cash funds, gifts, and grants. No General Funds shall be used to pay such costs. Funds received by the department for the payment of such costs shall be remitted to the State Treasurer for credit to the Health and Human Services Cash Fund. The department shall not be required to provide information under this section if sufficient funding is unavailable.

**Source:**

* [Laws 2008, LB928, § 40.](https://nebraskalegislature.gov/FloorDocs/100/PDF/Slip/LB928.pdf)

**Cross references**

**Section 81-663. Release of data; legislative findings**.

The Legislature finds that there is a need to establish a framework for consistent release of medical record and health information from the many registries and data bases the department maintains for the State of Nebraska. The purpose of the release of data is to encourage research which will protect the health and safety of the citizens of Nebraska by assisting in the prevention, cure, and control of specific diseases or injuries.

**Source:**

* Laws 1993, LB 536, § 1;
* Laws 1996, LB 1044, § 853;
* [Laws 2007, LB296, § 743.](https://nebraskalegislature.gov/FloorDocs/100/PDF/Slip/LB296.pdf)

**Section 81-664. Terms, defined.**

For purposes of sections [81-663](https://nebraskalegislature.gov/laws/statutes.php?statute=81-663) to [81-675](https://nebraskalegislature.gov/laws/statutes.php?statute=81-675):

(1) Aggregate data means data contained in the medical record and health information registries maintained by the department which is compiled in a statistical format and which does not include patient-identifying data;

(2) Approved researcher means an individual or entity which is approved by the department pursuant to section [81-666](https://nebraskalegislature.gov/laws/statutes.php?statute=81-666) to obtain access to data contained in the medical record and health information registries maintained by the department to assist in the scientific or medical research for the prevention, cure, or control of a disease or injury process;

(3) Case-specific data means data contained in the medical record and health information registries concerning a specific individual other than patient-identifying data;

(4) Department means the Department of Health and Human Services;

(5) Medical record and health information registry means the system of reporting certain medical conditions occurring in this state, as prescribed by law, which are reported and recorded in order to achieve the goals of prevention, cure, and control through research and education, and includes the birth defects registry established in section [71-646](https://nebraskalegislature.gov/laws/statutes.php?statute=71-646), the cancer registry established in sections [81-642](https://nebraskalegislature.gov/laws/statutes.php?statute=81-642) to [81-650](https://nebraskalegislature.gov/laws/statutes.php?statute=81-650), the brain injury registry established in the Brain Injury Registry Act, and the Parkinson's Disease Registry established in the Parkinson's Disease Registry Act;

(6) Patient-identifying data means the patient's name, address, record number, symbol, or other identifying particular assigned to or related to an individual patient; and

(7) Research means study specific to the diseases or injuries for which access to data is requested and which is dedicated to the prevention, cure, or control of the diseases or injuries.

**Source:**

* Laws 1993, LB 536, § 2;
* Laws 1996, LB 496, § 17;
* Laws 1996, LB 1044, § 854;
* [Laws 2001, LB 152, § 3;](https://nebraskalegislature.gov/FloorDocs/97/PDF/Slip/LB152.pdf)
* [Laws 2001, LB 209, § 34;](https://nebraskalegislature.gov/FloorDocs/97/PDF/Slip/LB209.pdf)
* [Laws 2007, LB296, § 744;](https://nebraskalegislature.gov/FloorDocs/100/PDF/Slip/LB296.pdf)
* [Laws 2008, LB928, § 41.](https://nebraskalegislature.gov/FloorDocs/100/PDF/Slip/LB928.pdf)

**Cross References**

* **Brain Injury Registry Act,** see section [81-653](https://nebraskalegislature.gov/laws/statutes.php?statute=81-653).
* **Parkinson's Disease Registry Act,** see section [81-697](https://nebraskalegislature.gov/laws/statutes.php?statute=81-697).

**81-665. Department of Health and Human Services; duties.**

To implement the intent and purposes of sections [81-663](https://nebraskalegislature.gov/laws/statutes.php?statute=81-663) to [81-675](https://nebraskalegislature.gov/laws/statutes.php?statute=81-675), the department shall:

(1) Adopt and promulgate necessary rules and regulations, including rules and regulations for the frequency and form of information submitted and for standards and procedures for approving researchers;

(2) Execute contracts that the department considers necessary; and

(3) Receive and record the data obtained from the medical and health information records of persons with particular diseases or injuries.

**Source:**

* Laws 1993, LB 536, § 3.