

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE BILL 123

Short Title: Emergency Dept. Data Sharing.-AB (Public)

Sponsors: Representatives Glazier, Martin, Alexander, England (Primary Sponsors);
Adams, Coleman, Farmer-Butterfield, Harrison, Mobley, and Wainwright.

Referred to: Rules, Calendar, and Operations of the House.

February 8, 2007

A BILL TO BE ENTITLED

1 AN ACT TO AUTHORIZE THE STATE HEALTH DIRECTOR TO SHARE
2 EMERGENCY DEPARTMENT DATA WITH THE CENTERS FOR DISEASE
3 CONTROL AND PREVENTION (CDC) FOR PUBLIC HEALTH PURPOSES.
4

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 130A-480 reads as rewritten:

7 **"§ 130A-480. Emergency department data reporting.**

8 (a) For the purpose of ensuring the protection of the public health, the State
9 Health Director shall develop a syndromic surveillance program for hospital emergency
10 departments in order to detect and investigate public health threats that may result from
11 (i) a terrorist incident using nuclear, biological, or chemical agents or (ii) an epidemic or
12 infectious, communicable, or other disease. The State Health Director shall specify the
13 data to be reported by hospitals pursuant to this program, subject to the following:

14 (1) Each hospital shall submit electronically available emergency
15 department data as specified by rule by the Commission. The
16 Commission, in consultation with hospitals, shall establish by rule a
17 schedule for the implementation of full electronic reporting capability
18 of all data elements by all hospitals. The schedule shall take into
19 consideration the number of data elements already reported by the
20 hospital, the hospital's capacity to electronically maintain the
21 remaining elements, available funding, and other relevant factors.

22 (2) None of the following data for patients or their relatives, employers, or
23 household members may be collected by the State Health Director:
24 names; postal or street address information, other than town or city,
25 county, state, and the first five digits of the zip code; geocode
26 information; telephone numbers; fax numbers; electronic mail
27 addresses; social security numbers; health plan beneficiary numbers;
28 account numbers; certificate or license numbers; vehicle identifiers

1 and serial numbers, including license plate numbers; device identifiers
2 and serial numbers; web universal resource locators (URLs); Internet
3 protocol (IP) address numbers; biometric identifiers, including finger
4 and voice prints; and full face photographic images and any
5 comparable images.

6 (b) The following are not public records under Chapter 132 of the General
7 Statutes and are privileged and confidential:

8 (1) Data reported to the State Health Director pursuant to this section.

9 (2) Data collected or maintained by any entity with whom the State Health
10 Director contracts for the reporting, collection, or analysis of data
11 pursuant to this section.

12 The State Health Director shall maintain the confidentiality of the data reported
13 pursuant to this section and shall ensure that adequate measures are taken to provide
14 system security for all data and information. The State Health Director may share data
15 with local health departments and the Centers for Disease Control and Prevention
16 (CDC) for public health purposes, and the local purposes. Local health departments are
17 bound by the confidentiality provisions of this section. The Department shall enter into
18 an agreement with the CDC to ensure that the CDC complies with the confidentiality
19 provisions of this section. The State Health Director shall not allow information that it
20 receives pursuant to this section to be used for commercial purposes and shall not
21 release data except as authorized by other provisions of law.

22 (c) A person is immune from liability for actions arising from the required
23 submission of data under this Article.

24 (d) For purposes of this section, "hospital" means a hospital, as defined in
25 G.S. 131E-214.1(3), that operates an emergency room on a 24-hour basis. The term
26 does not include a psychiatric hospital that operates an emergency room.

27 (e) Administrative emergency department data shall be reported by hospitals
28 under Article 11A of Chapter 131E of the General Statutes."

29 **SECTION 2.** This act is effective when it becomes law.