

AMENDED IN ASSEMBLY MAY 27, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 861

Introduced by Assembly Members Hill and Nestande

February 17, 2011

An act to add a heading as Article 1 (commencing with Section 104100) to, and to add Article 2 (commencing with Section 104141) to, Chapter 1 of Part 1 of Division 103 of, the Health and Safety Code, relating to stroke.

LEGISLATIVE COUNSEL'S DIGEST

AB 861, as amended, Hill. California Stroke Registry.

Existing law authorizes the State Department of Public Health to perform studies, demonstrate innovative methods, and disseminate information relating to the protection, preservation, and advancement of public health.

This bill would establish the California Stroke Registry, to be administered by the State Department of Public Health, as specified, to serve as a centralized repository for stroke data to promote quality improvement for acute stroke treatment. The bill would require that the program be implemented only to the extent funds from federal or private sources are made available for this purpose.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

1 (a) Stroke, also known as cerebrovascular accident or brain
2 attack, is the third leading cause of death and the leading cause of
3 severe, long-term disability and death in California.

4 (b) Stroke kills approximately 15,585 Californians each year
5 and accounts for almost 200,000 hospitalizations.

6 (c) The rapid identification, diagnosis, and treatment of stroke
7 can save the lives of stroke patients and in some cases can reverse
8 neurological damage, such as paralysis and speech and language
9 impairments, leaving stroke patients with few or no neurological
10 deficits.

11 SEC. 2. The heading of Article 1 (commencing with Section
12 104100) is added to Chapter 1 of Part 1 of Division 103 of the
13 Health and Safety Code, to read:

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15 Article 1. High Blood Pressure

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17 SEC. 3. Article 2 (commencing with Section 104141) is added
18 to Chapter 1 of Part 1 of Division 103 of the Health and Safety
19 Code, to read:

20
21 Article 2. California Stroke Registry

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23 104141. (a) The State Department of Public Health shall
24 establish a statewide California Stroke Registry. The purpose of
25 this registry is to serve as a centralized repository for stroke data
26 to promote quality improvement for acute stroke treatment. The
27 registry shall align with the stroke consensus metrics developed
28 by national health organizations such as the federal Centers for
29 Disease Control and Prevention, The Joint Commission, the
30 American Heart Association, and the American Stroke Association.
31 The acquisition of data for the registry shall *be by voluntary reports*
32 *and* encompass all areas of the state for which stroke data are
33 available.

34 (b) The registry shall be under the direction of the director and
35 housed within the California Heart Disease and Stroke Prevention
36 Program. The cardiovascular disease program may accept, on
37 behalf of the state, grants of public or private funds.

38 (c) The department may contract with an agency, including, but
39 not limited to, a health systems agency, single county health
40 department, *or* multicounty health department groupings, ~~or~~

1 ~~nonprofit professional associations~~, representing a designated
2 reporting region for the purposes of collecting and collating acute
3 stroke data.

4 (d) The department may contract, or provide grant awards, to
5 implement public health activities to fulfill required funding award
6 objectives.

7 (e) In establishing ~~this system~~ *the registry*, the director shall:

8 (1) Maintain a statewide stroke database that compiles
9 information and statistics *voluntarily reported* on stroke care. To
10 the extent possible, the department shall coordinate with the
11 organizations specified in subdivision (a) to avoid duplication and
12 redundancy in data collection.

13 (2) Recommend that hospitals and emergency medical services
14 agencies report case-specific data *that is voluntarily reported* on
15 the treatment of individuals with suspected acute stroke to the
16 representative of the department authorized to compile the stroke
17 data, or any individual, agency, or organization designated to
18 cooperate with that representative.

19 (3) Encourage sharing of information and data among health
20 care providers to improve the quality of care for stroke.

21 (4) Facilitate the communication and analysis of health
22 information and data among the health care professionals providing
23 care for individuals with stroke.

24 (5) Consult with the Stroke Advisory Committee ~~of the~~
25 ~~American Stroke Association~~ regarding ways in which to improve
26 the quality of stroke care and delivery in California.

27 (f) All information collected pursuant to this section shall be
28 confidential. For purposes of this section, this information shall
29 be referred to as “confidential information.” ~~The department, or~~
30 ~~its designee, shall use this information to evaluate measures~~
31 ~~designed to improve the quality of acute stroke treatment.~~

32 104141.5. (a) Persons with a valid scientific interest who are
33 engaged in demographic, epidemiological, or other similar studies
34 related to health, and who meet qualifications ~~as determined by~~
35 the department, and who agree, in writing, to maintain
36 confidentiality, may be authorized ~~access to~~ *to access* confidential
37 ~~information.~~ *information for research purposes. An entity that*
38 *receives confidential information from the department shall ensure*
39 *the confidentiality of the information. The department shall provide*
40 *only information that does not identify individual cases or*

1 *institutional or individual sources of information.* Before
2 confidential information is disclosed for study, researchers shall
3 do both of the following:

4 (1) Obtain approval of their committee for the protection of
5 human subjects established in accordance with Part 46
6 (commencing with Section 46.101) of Title 45 of the Code of
7 Federal Regulations.

8 (2) Provide documentation to the department that demonstrates
9 to the department's satisfaction that the entity has established the
10 procedures and ability to maintain the confidentiality of the
11 information.

12 (b) Notwithstanding any other law, any disclosure authorized
13 by this section shall include only the information necessary for the
14 stated purpose of the requested disclosure, used for the approved
15 purpose, and not be further disclosed.

16 (c) The furnishing of confidential information to the department
17 or its authorized representative in accordance with this section
18 shall not expose any person, agency, or entity furnishing
19 information to liability, and shall not be considered a waiver of
20 any privilege or a violation of a confidential relationship.

21 (d) The department shall maintain an accurate record of all
22 persons who are given access to confidential information. The
23 record shall include the name of the person authorizing access;
24 name, title, address, and organizational affiliation of persons given
25 access; dates of access; and the specific purpose for which
26 information is to be used. The record of access shall be open to
27 public inspection during normal operating hours of the department.

28 (e) Notwithstanding any other law, no part of the confidential
29 information shall be available for subpoena, nor shall it be
30 disclosed, discoverable, or compelled to be produced in any civil,
31 criminal, administrative, or other proceeding, nor shall this
32 information be deemed admissible as evidence in any civil,
33 criminal, administrative, or other tribunal or court for any reason.

34 (f) This section shall not prohibit the publication ~~by the~~
35 ~~department~~ of reports and statistical compilations that do not in
36 any way identify individual cases or *institutional or* individual
37 sources of information.

38 (g) Notwithstanding the restrictions in this section, the individual
39 to whom the information pertains shall have access to his or her

1 own information in accordance with Chapter 1 (commencing with
2 Section 1798) of Title 1.8 of the Civil Code.

3 104142. For the purpose of this article, stroke means either of
4 the following:

5 (a) Ischemic stroke, defined as an occlusion of a blood vessel
6 that blocks blood flow to the brain, depriving the brain of oxygen,
7 and resulting in brain tissue death. This definition includes transient
8 ischemic attacks, defined as stroke-like symptoms for less than 24
9 hours.

10 (b) Hemorrhagic stroke, defined as a rupture of a blood vessel,
11 resulting in bleeding into or around the brain.

12 104142.5. Nothing in this article shall preempt the authority
13 of facilities or individuals providing diagnostic or treatment
14 services to patients with stroke to maintain their own facility-based
15 stroke registries.

16 104143. This article shall not be construed as a medical practice
17 guideline and shall not be used to restrict the authority of a hospital
18 to provide services for which it has received a license under state
19 law.

20 104143.5. This article shall be implemented only to the extent
21 funds from federal or private sources are made available for this
22 purpose.

23 104144. All contracts with, and the utilization of, the program's
24 fiscal intermediary shall not be subject to Part 2 (commencing with
25 Section 10100) of Division 2 of the Public Contract Code.

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