

## CONFIDENTIALITY AGREEMENT

### REGARDING QUALITY OR SYSTEM ASSESSMENT AND IMPROVEMENT

---

As a member or participant of the Arkansas Department of Health's Trauma Regional Advisory Council/ Quality Improvement (TRAC-QI) Subcommittee of the Trauma Advisory Council's (TAC), or other entity authorized by the statute referred to below, you may have access to information which has been compiled for quality improvement purposes. There are two sections of the Trauma System Act (Ark. Code Ann., Section 20-13-801 et seq) which relate to this access and need for confidentiality.

Section 20-13-816 (b) (1) (A), gives Trauma Regional Advisory Councils the authority to engage in quality improvement activities and reads, in part, as follows: "An established trauma regional advisory council may be eligible for a sustaining grant if the trauma regional advisory council: has achieved the status as the trauma regional advisory council for its region of the trauma system and is currently providing trauma planning and quality improvement services to its region of the trauma system."

Section 20-13-819, outlines the confidential nature of quality improvement data. The pertinent parts of this Section read as follows:

1. Section 20-13-819 (a) (1): " Any data, records, reports, and documents collected or compiled on behalf of the Department of Health, the Trauma Advisory Council, or other entity authorized under this subchapter for the purpose of quality or system assessment and improvement of the trauma system shall not be subject to disclosure under the Freedom of Information Act of 1967, Section 25-19-101 et seq, to the extent that it identifies or could be used to identify any individual patient, provider, institution, or health plan."
2. Section 20-13-819 (a) (2): "For purposes of this section, "data, records, reports, and documents" means recordings of interviews and all oral or written proceedings, reports, statements, minutes, memoranda, data, and other documentation collected or compiled for the purposes of trauma system quality review or trauma system assessment and improvement pursuant to a requirement of or request by the department, the council, or other entity authorized by this chapter."
3. Section 20-13-819 (b) (1): "Any data, records, reports, and documents collected or compiled by or on behalf of the department, council, or other entity authorized under this subchapter for the purpose of quality or system assessment and improvement shall not be admissible in any legal proceeding and shall be exempt from discovery or disclosure to the same extent that records of and testimony before committees evaluating the quality of medical or hospital care are exempt under Section 16-46-105 (a) (1)."
4. Section 20-13-819 (c): "All information shall be treated in a manner that is consistent with all state and federal privacy requirements, including without limitation the federal Health and Portability and Accountability Act of 1996 privacy rule, 45 C.F.R. Section 164.512(i)."
5. Section 20-13-819 (d): "The department or other entity authorized to provide services to the trauma system may use any data, records, reports, or documents generated or acquired in its internal operations without waiving any protections under this section."

Information data, records, reports, or documents generated or acquired pursuant to quality or system assessment and improvement shall not be disclosed to unauthorized parties, and additionally shall not be utilized in any fashion which may further proprietary interests of any individual or organization you work for or are associated .

Furthermore, in the event that access to information data, records, reports, or documents generated or acquired may result in a conflict of interest regarding any matter being discussed for quality or system assessment and improvement, this conflict shall be disclosed to the Department of Health, including the Chairs of the TAC QI/TRAC or TRAC QI Subcommittees. If necessary, the individual with the conflict may be required to recuse himself/herself from any deliberations regarding the specific matter in question.

Violations of privacy and security requirements may lead to civil and criminal penalties pursuant to state and federal laws and regulations.

**I hereby acknowledge that I have read and understand the foregoing CONFIDENTIALITY AGREEMENT. I agree not to disclose any information I obtain from either the TAC QI/TRAC or TRAC QI Subcommittees, whether verbally or in written format, to persons outside the meeting or committee who have not been previously authorized and approved by the Department. I further understand that should I violate this Confidentiality Agreement, I will be subject to disciplinary action by the appropriate Subcommittee, to include my immediate suspension and termination from the Subcommittee. I also acknowledge that any violations by me of privacy and security requirements may lead to civil and criminal penalties pursuant to state and federal laws and regulations.**

\_\_\_\_\_  
TAC QI/TRAC or TRAC QI member / participant signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed name

Note: Form must be signed at the beginning of each fiscal year in July. Each provider is required to sign only one form per year for Trauma System QI participation at the regional and state level.