

By Representative Casey

1 A bill to be entitled
2 An act relating to trauma services; creating s.
3 395.4001, F.S.; providing definitions; amending
4 s. 395.401, F.S.; deleting definitions;
5 revising minimum components for local and
6 regional trauma services system plans; amending
7 s. 395.4015, F.S.; revising minimum components
8 for state regional trauma system plans;
9 providing for a statewide inclusive trauma
10 system; amending s. 395.4045, F.S.; revising
11 requirements relating to trauma transport
12 protocols; providing for uniform protocols;
13 revising requirements relating to the trauma
14 scoring system and rules related thereto;
15 revising requirements relating to trauma
16 transport protocols and rules related thereto;
17 providing medical responsibility and
18 accountability for trauma victims during
19 interfacility trauma transfer; requiring the
20 Department of Health to adopt and enforce
21 certain rules; amending s. 395.405, F.S.;
22 providing rulemaking and enforcement authority;
23 amending ss. 395.4025, 395.50, 322.0602, and
24 440.13, F.S.; correcting cross references;
25 providing an effective date.

26
27 Be It Enacted by the Legislature of the State of Florida:

28
29 Section 1. Section 395.4001, Florida Statutes, is
30 created to read:
31 395.4001 Definitions.--As used in this part, the term:

- 1 (1) "Agency" means the Agency for Health Care
2 Administration.
- 3 (2) "Charity care" or "uncompensated charity care"
4 means that portion of hospital charges reported to the agency
5 for which there is no compensation for care provided to a
6 patient whose family income for the 12 months preceding the
7 determination is less than or equal to 150 percent of the
8 federal poverty level, unless the amount of hospital charges
9 due from the patient exceeds 25 percent of the annual family
10 income. However, in no case shall the hospital charges for a
11 patient whose family income exceeds four times the federal
12 poverty level for a family of four be considered charity.
- 13 (3) "Department" means the Department of Health.
- 14 (4) "Interfacility trauma transfer" means the transfer
15 of a trauma victim between two facilities licensed under this
16 chapter, pursuant to this part.
- 17 (5) "Level I trauma center" means a trauma center
18 that:
- 19 (a) Has formal research and education programs for the
20 enhancement of trauma care and is determined by the department
21 to be in substantial compliance with Level I trauma center and
22 pediatric trauma referral center standards.
- 23 (b) Serves as a resource facility to Level II trauma
24 centers, pediatric trauma referral centers, and general
25 hospitals through shared outreach, education, and quality
26 improvement activities.
- 27 (c) Participates in an inclusive system of trauma
28 care, including providing leadership, system evaluation, and
29 quality improvement activities.
- 30 (6) "Level II trauma center" means a trauma center
31 that:

- 1 (a) Is determined by the department to be in
2 substantial compliance with Level II trauma center standards.
- 3 (b) Serves as a resource facility to general hospitals
4 through shared outreach, education, and quality improvement
5 activities.
- 6 (c) Participates in an inclusive system of trauma
7 care.
- 8 (7) "Pediatric trauma referral center" means a
9 hospital that is determined by the department to be in
10 substantial compliance with pediatric trauma referral center
11 standards as established by rule of the department.
- 12 (8) "State-approved trauma center" means a hospital
13 that has successfully completed the selection process pursuant
14 to s. 395.4025 and has been approved by the department to
15 operate as a trauma center in the state.
- 16 (9) "State-sponsored trauma center" means a trauma
17 center or pediatric trauma referral center that receives state
18 funding for trauma care services under s. 395.403.
- 19 (10) "Trauma agency" means a department-approved
20 agency established and operated by one or more counties, or a
21 department-approved entity with which one or more counties
22 contract, for the purpose of administering an inclusive
23 regional trauma system.
- 24 (11) "Trauma alert victim" means a person who has
25 incurred a single or multisystem injury due to blunt or
26 penetrating means or burns, who requires immediate medical
27 intervention or treatment, and who meets one or more of the
28 adult or pediatric scorecard criteria established by the
29 department by rule.
- 30 (12) "Trauma center" means any hospital that has been
31 determined by the department to be in substantial compliance

1 with trauma center verification standards as either
2 state-approved or provisional state-approved.

3 (13) "Trauma scorecard" means a statewide methodology
4 adopted by the department by rule under which a person who has
5 incurred a traumatic injury is graded as to the severity of
6 his or her injuries or illness and which methodology is used
7 as the basis for making destination decisions.

8 (14) "Trauma transport protocol" means a document
9 which describes the policies, processes, and procedures
10 governing the dispatch of vehicles, the triage, prehospital
11 transport, and interfacility trauma transfer of trauma
12 victims.

13 (15) "Trauma victim" means any person who has incurred
14 a single or multisystem injury due to blunt or penetrating
15 means or burns and who requires immediate medical intervention
16 or treatment.

17 Section 2. Subsection (1) and paragraph (b) of
18 subsection (2) of section 395.401, Florida Statutes, are
19 amended to read:

20 395.401 Trauma services system plans; verification of
21 trauma centers and pediatric trauma referral centers;
22 procedures; renewal.--

23 ~~(1) As used in this part, the term:~~

24 ~~(a) "Agency" means the Agency for Health Care~~
25 ~~Administration.~~

26 ~~(b) "Charity care" or "uncompensated charity care"~~
27 ~~means that portion of hospital charges reported to the agency~~
28 ~~for which there is no compensation for care provided to a~~
29 ~~patient whose family income for the 12 months preceding the~~
30 ~~determination is less than or equal to 150 percent of the~~
31 ~~federal poverty level, unless the amount of hospital charges~~

1 ~~due from the patient exceeds 25 percent of the annual family~~
2 ~~income. However, in no case shall the hospital charges for a~~
3 ~~patient whose family income exceeds four times the federal~~
4 ~~poverty level for a family of four be considered charity.~~
5 ~~(c) "Department" means the Department of Health.~~
6 ~~(d) "Level I trauma center" means a hospital that is~~
7 ~~determined by the department to be in substantial compliance~~
8 ~~with trauma center and pediatric trauma referral center~~
9 ~~verification standards as established by rule of the~~
10 ~~department, and which:~~
11 ~~1. Has formal research and education programs for the~~
12 ~~enhancement of trauma care.~~
13 ~~2. Serves as a resource facility to Level II trauma~~
14 ~~centers, pediatric trauma referral centers, and community~~
15 ~~hospitals.~~
16 ~~3. Ensures an organized system of trauma care.~~
17 ~~(e) "Level II trauma center" means a hospital that is~~
18 ~~determined by the department to be in substantial compliance~~
19 ~~with trauma center verification standards as established by~~
20 ~~rule of the department, and which:~~
21 ~~1. Serves as a resource facility to community~~
22 ~~hospitals.~~
23 ~~2. Ensures an organized system of trauma care.~~
24 ~~(f) "Pediatric trauma referral center" means a~~
25 ~~hospital that is determined to be in substantial compliance~~
26 ~~with pediatric trauma referral center standards as established~~
27 ~~by rule of the department.~~
28 ~~(g) "State-approved trauma center" means a hospital~~
29 ~~that has successfully completed the state-approved selection~~
30 ~~process pursuant to s. 395.4025 and has been approved by the~~
31 ~~department to operate as a trauma center in the state.~~

1 ~~(h) "State-sponsored trauma center" means a~~
2 ~~state-approved trauma center that receives state funding for~~
3 ~~trauma care services.~~

4 ~~(i) "Trauma agency" means an agency established and~~
5 ~~operated by one or more counties, or an entity with which one~~
6 ~~or more counties contract, for the purpose of administering an~~
7 ~~inclusive regional trauma system.~~

8 ~~(j) "Trauma alert victim" means a person who has~~
9 ~~incurred a single or multisystem injury due to blunt or~~
10 ~~penetrating means or burns; who requires immediate medical~~
11 ~~intervention or treatment; and who meets one or more of the~~
12 ~~adult or pediatric scorecard criteria established by the~~
13 ~~department by rule.~~

14 ~~(k) "Trauma center" means any hospital that has been~~
15 ~~determined by the department to be in substantial compliance~~
16 ~~with trauma center verification standards.~~

17 ~~(l) "Trauma scorecard" means a statewide methodology~~
18 ~~adopted by the department by rule under which a person who has~~
19 ~~incurred a traumatic injury is graded as to the severity of~~
20 ~~his or her injuries or illness and which methodology is used~~
21 ~~as the basis for making destination decisions.~~

22 ~~(m) "Trauma victim" means any person who has incurred~~
23 ~~a single or multisystem injury due to blunt or penetrating~~
24 ~~means or burns and who requires immediate medical intervention~~
25 ~~or treatment.~~

26 (1)~~(2)~~

27 (b) The local and regional trauma agencies shall
28 develop and submit to the department plans for local and
29 regional trauma services systems. The plans must include, at a
30 minimum, the following components:

31 1. The organizational structure of the trauma system.

- 1 2. Prehospital care management guidelines for triage
2 and transportation of trauma cases.
- 3 3. Flow patterns of trauma cases and transportation
4 system design and resources, including air transportation
5 services, ~~and~~ provision for interfacility trauma transfer, and
6 the prehospital transportation of trauma victims. The trauma
7 agency shall plan for the development of a system of
8 transportation of trauma alert victims to trauma centers where
9 the distance or time to a trauma center or transportation
10 resources diminish access by trauma alert victims.
- 11 4. The number and location of needed state-approved
12 trauma centers based on local needs, population, and location
13 and distribution of resources.
- 14 5. Data collection regarding system operation and
15 patient outcome.
- 16 6. Periodic performance evaluation of the trauma
17 system and its components.
- 18 7. The use of air transport services within the
19 jurisdiction of the local trauma agency.
- 20 8. Public information and education about the trauma
21 system.
- 22 9. Emergency medical services communication system
23 usage and dispatching.
- 24 10. The coordination and integration between the
25 verified trauma care facility and the nonverified health care
26 facilities.
- 27 11. Medical control and accountability.
- 28 12. Quality control and system evaluation.
- 29 Section 3. Paragraphs (d), (l), and (n) of subsection
30 (2) of section 395.4015, Florida Statutes, are amended, and
31 subsection (4) is added to said section, to read:

1 395.4015 State regional trauma planning; trauma
2 regions.--

3 (2) The department shall develop trauma systems plans
4 for the department-defined trauma regions which include at a
5 minimum the following components:

6 (d) Flow patterns of trauma cases and transportation
7 system design and resources, including air transportation
8 services, ~~and~~ provision for interfacility trauma transfer, and
9 the prehospital transportation of trauma victims. The
10 department shall plan for the development of a system of
11 transportation of trauma alert victims to trauma centers where
12 the distance or time to a trauma center or transportation
13 resources diminish access by trauma alert victims.

14 (1) The coordination and integration between the
15 ~~state-sponsored trauma centers, verified~~ trauma centers, and
16 other health care facilities which may provide services to
17 trauma victims.

18 (n) Quality management control and system evaluation.

19 (4) The department shall use the state trauma system
20 plan as the basis for establishing a statewide inclusive
21 trauma system.

22 Section 4. Paragraph (b) of subsection (2) of section
23 395.4025, Florida Statutes, is amended to read:

24 395.4025 Selection of state-approved trauma centers.--

25 (2)

26 (b) By October 15, the department shall send to all
27 hospitals that submitted a letter of intent an application
28 package that will provide the hospitals with instructions for
29 submitting information to the department for selection as a
30 state-approved trauma center. The standards for verification
31 of trauma centers and pediatric trauma referral centers

1 provided for in s. 395.401~~(2)(3)~~, as adopted by rule of the
2 department, shall serve as the basis for these instructions.

3 Section 5. Section 395.4045, Florida Statutes, is
4 amended to read:

5 395.4045 Emergency medical service providers; trauma
6 transport protocols; transport of trauma alert victims to
7 trauma centers; interfacility transfer.--

8 (1) Each emergency medical services provider licensed
9 under chapter 401 shall transport trauma alert victims to
10 hospitals approved as trauma centers, except as may be
11 provided for either in the department-approved local or
12 ~~regional~~ trauma transport protocol of the trauma agency for
13 the geographical area in which the emergency medical services
14 licensee provides services or, if no such department-approved
15 ~~local or regional~~ trauma transport protocol is in effect, as
16 provided for in a department-approved provider's trauma
17 transport protocol.

18 (2) A trauma agency may develop a uniform trauma
19 transport protocol that is applicable to the emergency medical
20 services licensees providing services within the geographical
21 boundaries of the trauma agency. ~~Development of a uniform~~
22 trauma protocol by a trauma agency ~~regional trauma protocols~~
23 shall be through consultation with interested parties,
24 including, but not limited to, each approved trauma center;
25 physicians specializing in trauma care, emergency care, and
26 surgery in the region; each trauma system administrator in the
27 region; ~~and~~ each emergency medical service provider in the
28 region licensed under chapter 401, and such providers'
29 respective medical directors.

30 (3) Trauma alert victims shall be identified through
31 the use of a trauma scoring system, including adult and

1 pediatric assessment as specified in rule of the department.
2 The rule shall also include the requirements of licensed
3 emergency medical services providers for performing and
4 documenting these assessments.

5 (4) The department shall specify by rule the subjects
6 and the minimum criteria related to prehospital trauma
7 transport, trauma center or hospital destination
8 determinations, and interfacility trauma transfer to be
9 included in a trauma agency's or an emergency medical service
10 provider's trauma transport protocol and shall approve or
11 disapprove each such protocol. Trauma transport protocol rules
12 pertaining to the air transportation of trauma victims shall
13 be consistent with, but not limited to, applicable Federal
14 Aviation Administration regulation. Emergency medical services
15 licensees and trauma agencies shall be subject to monitoring
16 by the department, under ss. 395.401(3) and 402.31(1) for
17 compliance with requirements, as applicable, regarding trauma
18 transport protocols and the transport of trauma victims.

19 (5) If there is no department-approved trauma agency
20 trauma transport protocol for the geographical area in which
21 the emergency medical services license applicant intends to
22 provide services, as provided for in subsection (1), each
23 applicant for licensure as an emergency medical services
24 provider, under chapter 401, must submit and obtain department
25 approval of a trauma transport protocol prior to the
26 department granting a license. The department shall prescribe
27 by rule the submission and approval process for an applicant's
28 trauma transport protocols whether the applicant will be using
29 a trauma agency's or its own trauma transport protocol.

30 (6)~~(2)~~ If an air ambulance service is available in the
31 trauma service area in which an emergency medical service

1 provider is located, trauma transport protocols shall not
2 provide for transport outside of the trauma service area
3 unless otherwise provided for by written mutual agreement. If
4 air ambulance service is not available and there is no
5 agreement for interagency transport of trauma patients between
6 two adjacent local or regional trauma agencies, both of which
7 include at least one approved trauma center, then the
8 transport of a trauma patient with an immediately
9 life-threatening condition shall be to the most appropriate
10 trauma center as defined pursuant to trauma transport
11 protocols approved by the department. The provisions of this
12 subsection shall apply only to those counties with a
13 population in excess of 1 million residents.

14 (7) The medical director of an emergency medical
15 services provider licensed under chapter 401 shall have
16 medical responsibility and accountability for the trauma
17 victim during an interfacility trauma transfer.

18 (8) The department shall adopt and enforce all rules
19 necessary to administer this section. The department shall
20 adopt and enforce rules to specify the submission and approval
21 process for trauma transport protocols or modifications to
22 trauma transport protocols by trauma agencies and licensed
23 emergency medical services providers.

24 Section 6. Section 395.405, Florida Statutes, is
25 amended to read:

26 395.405 Rulemaking authority.--The department shall
27 adopt and enforce all rules necessary to administer to
28 ~~implement~~ ss. 395.0199, 395.4001, 395.401, 395.4015, 395.402,
29 395.4025, 395.403, 395.404, and 395.4045.

30 Section 7. Subsection (8) of section 395.50, Florida
31 Statutes, is amended to read:

1 395.50 Quality assurance activities of trauma
2 agencies.--

3 (8) Nothing in this section, ss. 395.4001-395.405
4 ~~395.401-395.405~~, or s. 395.51 prohibits admitting into
5 evidence patient care, transport, or treatment records or
6 reports, or records or reports of the department in any civil
7 or administrative action brought by or involving the
8 department, excluding the name, residence or business address,
9 telephone number, social security or other identifying number,
10 or photograph of any person or the spouse, relative, or
11 guardian of such person or other patient-specific information
12 that otherwise identifies the patient, either directly or
13 indirectly.

14 Section 8. Paragraph (a) of subsection (4) of section
15 322.0602, Florida Statutes, is amended to read:

16 322.0602 Youthful Drunk Driver Visitation Program.--

17 (4) VISITATION REQUIREMENT.--

18 (a) To the extent that personnel and facilities are
19 made available to the court, the court may include a
20 requirement for supervised visitation by the probationer to
21 all, or any, of the following:

22 1. A trauma center, as defined in s. 395.4001 ~~395.401~~,
23 or a hospital as defined in s. 395.002, which regularly
24 receives victims of vehicle accidents, between the hours of 10
25 p.m. and 2 a.m. on a Friday or Saturday night, in order to
26 observe appropriate victims of vehicle accidents involving
27 drinking drivers, under the supervision of any of the
28 following:

29 a. A registered nurse trained in providing emergency
30 trauma care or prehospital advanced life support.

31 b. An emergency room physician.

1 c. An emergency medical technician.
2 2. A licensed service provider, as defined in s.
3 397.311, which cares for substance abuse impaired persons, to
4 observe persons in the terminal stages of substance abuse
5 impairment, under the supervision of appropriately licensed
6 medical personnel. Prior to any visitation of such terminally
7 ill or disabled persons, the persons or their legal
8 representatives must give their express consent to participate
9 in the visitation program.

10 3. If approved by the county coroner, the county
11 coroner's office or the county morgue to observe appropriate
12 victims of vehicle accidents involving drinking drivers, under
13 the supervision of the coroner or a deputy coroner.

14 Section 9. Paragraph (c) of subsection (12) of section
15 440.13, Florida Statutes, is amended to read:

16 440.13 Medical services and supplies; penalty for
17 violations; limitations.--

18 (12) CREATION OF THREE-MEMBER PANEL; GUIDES OF MAXIMUM
19 REIMBURSEMENT ALLOWANCES.--

20 (c) Reimbursement for all fees and other charges for
21 such treatment, care, and attendance, including treatment,
22 care, and attendance provided by any hospital or other health
23 care provider, ambulatory surgical center, work-hardening
24 program, or pain program, must not exceed the amounts provided
25 by the uniform schedule of maximum reimbursement allowances as
26 determined by the panel or as otherwise provided in this
27 section. This subsection also applies to independent medical
28 examinations performed by health care providers under this
29 chapter. Until the three-member panel approves a uniform
30 schedule of maximum reimbursement allowances and it becomes
31 effective, all compensable charges for treatment, care, and

1 attendance provided by physicians, ambulatory surgical
2 centers, work-hardening programs, or pain programs shall be
3 reimbursed at the lowest maximum reimbursement allowance
4 across all 1992 schedules of maximum reimbursement allowances
5 for the services provided regardless of the place of service.
6 In determining the uniform schedule, the panel shall first
7 approve the data which it finds representative of prevailing
8 charges in the state for similar treatment, care, and
9 attendance of injured persons. Each health care provider,
10 health care facility, ambulatory surgical center,
11 work-hardening program, or pain program receiving workers'
12 compensation payments shall maintain records verifying their
13 usual charges. In establishing the uniform schedule of maximum
14 reimbursement allowances, the panel must consider:

15 1. The levels of reimbursement for similar treatment,
16 care, and attendance made by other health care programs or
17 third-party providers;

18 2. The impact upon cost to employers for providing a
19 level of reimbursement for treatment, care, and attendance
20 which will ensure the availability of treatment, care, and
21 attendance required by injured workers;

22 3. The financial impact of the reimbursement
23 allowances upon health care providers and health care
24 facilities, including trauma centers as defined in s. 395.4001
25 ~~395.401~~, and its effect upon their ability to make available
26 to injured workers such medically necessary remedial
27 treatment, care, and attendance. The uniform schedule of
28 maximum reimbursement allowances must be reasonable, must
29 promote health care cost containment and efficiency with
30 respect to the workers' compensation health care delivery
31 system, and must be sufficient to ensure availability of such

1 medically necessary remedial treatment, care, and attendance
2 to injured workers; and

3 4. The most recent average maximum allowable rate of
4 increase for hospitals determined by the Health Care Board
5 under chapter 408.

6 Section 10. This act shall take effect October 1,
7 2000.

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HOUSE SUMMARY

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12 Revises definitions relating to the provision of trauma
13 services. Revises minimum components for the local and
14 regional trauma services system plans and the state
15 statewide inclusive trauma system. Revises requirements
16 relating to trauma transport protocols, and provides for
17 uniform protocols. Revises requirements relating to the
18 trauma scoring system and trauma transport protocols, and
19 rules related thereto. Provides medical responsibility
20 and accountability of the medical director of a licensed
21 emergency services provider for trauma victims during
22 interfacility trauma transfer. Requires the Department of
23 Health to adopt and enforce certain rules. See bill for
24 details.

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