

By the Committees on Health and Human Services Appropriations;
Health Care; and Senator Lynn

603-2288-06

1 A bill to be entitled
2 An act relating to trauma services; amending s.
3 395.003, F.S.; prohibiting licensing of
4 additional emergency departments located off
5 the premises of licensed hospitals until the
6 Agency for Health Care Administration adopts
7 rules; amending s. 395.1055, F.S.; requiring
8 the agency to adopt rules by a specified date
9 to establish licensure standards for emergency
10 departments located off the premises of a
11 licensed hospital; requiring the rules to
12 address certain topics; amending s. 395.4001,
13 F.S.; providing definitions; repealing s.
14 395.4035, F.S., to terminate the Trauma
15 Services Trust Fund; amending s. 395.4036,
16 F.S.; revising provisions relating to
17 distribution of funds to trauma centers and use
18 thereof; creating s. 395.41, F.S.; establishing
19 a trauma center startup grant program;
20 providing conditions for the receipt of a
21 startup grant; providing limitations; making
22 the trauma center startup grant program subject
23 to an appropriation in the General
24 Appropriations Act; providing a contingent
25 effective date.

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

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29 Section 1. Subsection (1) of section 395.003, Florida
30 Statutes, is amended to read:

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1 395.003 Licensure; issuance, renewal, denial,
2 modification, suspension, and revocation.--

3 (1)(a) A person may not establish, conduct, or
4 maintain a hospital, ambulatory surgical center, or mobile
5 surgical facility in this state without first obtaining a
6 license under this part.

7 (b)1. It is unlawful for a person to use or advertise
8 to the public, in any way or by any medium whatsoever, any
9 facility as a "hospital," "ambulatory surgical center," or
10 "mobile surgical facility" unless such facility has first
11 secured a license under the provisions of this part.

12 2. This part does not apply to veterinary hospitals or
13 to commercial business establishments using the word
14 "hospital," "ambulatory surgical center," or "mobile surgical
15 facility" as a part of a trade name if no treatment of human
16 beings is performed on the premises of such establishments.

17 3. ~~Until July 1, 2006,~~ Additional emergency
18 departments located off the premises of licensed hospitals may
19 not be authorized by the agency until the agency has adopted
20 rules required under s. 395.1055(9).

21 Section 2. Subsection (9) is added to section
22 395.1055, Florida Statutes, to read:

23 395.1055 Rules and enforcement.--

24 (9) The agency shall adopt rules no later than January
25 1, 2007, which establish licensure standards for emergency
26 departments located off the premises of a licensed hospital.
27 The rules must:

28 (a) Include minimum criteria for patient care and
29 safety, quality improvement, infection control, building
30 design and construction, location, and appropriate transport
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1 of patients from the emergency department located off the
2 premises consistent with chapter 401.

3 (b) Require the hospital to maintain an emergency
4 department on its premises which is licensed and operated in
5 accordance with agency rules.

6 (c) Specify that an emergency department located off
7 the premises of a licensed hospital which was authorized prior
8 to the adoption of rules shall continue to operate in
9 accordance with the licensure criteria under which it was
10 originally authorized.

11 Section 3. Section 395.4001, Florida Statutes, is
12 amended to read:

13 395.4001 Definitions.--As used in this part, the term:

14 (1) "Agency" means the Agency for Health Care
15 Administration.

16 (2) "Charity care" or "uncompensated trauma care"
17 means that portion of hospital charges reported to the agency
18 for which there is no compensation, other than restricted or
19 unrestricted revenues provided to a hospital by local
20 governments or tax districts regardless of method of payment,
21 for care provided to a patient whose family income for the 12
22 months preceding the determination is less than or equal to
23 200 percent of the federal poverty level, unless the amount of
24 hospital charges due from the patient exceeds 25 percent of
25 the annual family income. However, in no case shall the
26 hospital charges for a patient whose family income exceeds
27 four times the federal poverty level for a family of four be
28 considered charity.

29 (3) "Department" means the Department of Health.
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1 (4) "Interfacility trauma transfer" means the transfer
2 of a trauma victim between two facilities licensed under this
3 chapter, pursuant to this part.

4 (5) "International Classification Injury Severity
5 Score" means the statistical method for computing the severity
6 of injuries sustained by trauma patients. The International
7 Classification Injury Severity Score shall be the methodology
8 used by the department and trauma centers to report the
9 severity of an injury.

10 ~~(6)~~~~(5)~~ "Level I trauma center" means a trauma center
11 that:

12 (a) Has formal research and education programs for the
13 enhancement of trauma care; is verified by the department to
14 be in substantial compliance with Level I trauma center and
15 pediatric trauma center standards; and has been approved by
16 the department to operate as a Level I trauma center.

17 (b) Serves as a resource facility to Level II trauma
18 centers, pediatric trauma centers, and general hospitals
19 through shared outreach, education, and quality improvement
20 activities.

21 (c) Participates in an inclusive system of trauma
22 care, including providing leadership, system evaluation, and
23 quality improvement activities.

24 ~~(7)~~~~(6)~~ "Level II trauma center" means a trauma center
25 that:

26 (a) Is verified by the department to be in substantial
27 compliance with Level II trauma center standards and has been
28 approved by the department to operate as a Level II trauma
29 center.

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1 (b) Serves as a resource facility to general hospitals
2 through shared outreach, education, and quality improvement
3 activities.

4 (c) Participates in an inclusive system of trauma
5 care.

6 (8) "Local funding contribution" means local
7 municipal, county, or tax district funding exclusive of any
8 patient-specific funds received pursuant to ss.
9 154.301-154.316, private foundation funding, or public or
10 private grant funding of at least \$150,000 received by a
11 hospital or health care system that operates a trauma center.

12 ~~(9)(7)~~ "Pediatric trauma center" means a hospital that
13 is verified by the department to be in substantial compliance
14 with pediatric trauma center standards as established by rule
15 of the department and has been approved by the department to
16 operate as a pediatric trauma center.

17 ~~(10)(8)~~ "Provisional trauma center" means a hospital
18 that has been verified by the department to be in substantial
19 compliance with the requirements in s. 395.4025 and has been
20 approved by the department to operate as a provisional Level I
21 trauma center, Level II trauma center, or pediatric trauma
22 center.

23 ~~(11)(9)~~ "Trauma agency" means a department-approved
24 agency established and operated by one or more counties, or a
25 department-approved entity with which one or more counties
26 contract, for the purpose of administering an inclusive
27 regional trauma system.

28 ~~(12)(10)~~ "Trauma alert victim" means a person who has
29 incurred a single or multisystem injury due to blunt or
30 penetrating means or burns, who requires immediate medical
31 intervention or treatment, and who meets one or more of the

1 adult or pediatric scorecard criteria established by the
2 department by rule.

3 (13) "Trauma caseload volume" means the number of
4 trauma patients reported by individual trauma centers to the
5 Trauma Registry and validated by the department.

6 ~~(14)(11)~~ "Trauma center" means a hospital that has
7 been verified by the department to be in substantial
8 compliance with the requirements in s. 395.4025 and has been
9 approved by the department to operate as a Level I trauma
10 center, Level II trauma center, or pediatric trauma center.

11 (15) "Trauma patient" means a person who has incurred
12 a physical injury or wound caused by trauma and has accessed a
13 trauma center.

14 ~~(16)(12)~~ "Trauma scorecard" means a statewide
15 methodology adopted by the department by rule under which a
16 person who has incurred a traumatic injury is graded as to the
17 severity of his or her injuries or illness and which
18 methodology is used as the basis for making destination
19 decisions.

20 ~~(17)(13)~~ "Trauma transport protocol" means a document
21 which describes the policies, processes, and procedures
22 governing the dispatch of vehicles, the triage, prehospital
23 transport, and interfacility trauma transfer of trauma
24 victims.

25 ~~(18)(14)~~ "Trauma victim" means any person who has
26 incurred a single or multisystem injury due to blunt or
27 penetrating means or burns and who requires immediate medical
28 intervention or treatment.

29 Section 4. Section 395.4035, Florida Statutes, is
30 repealed.

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1 Section 5. Subsection (1) of section 395.4036, Florida
2 Statutes, is amended to read:

3 395.4036 Trauma payments.--

4 (1) Recognizing the Legislature's stated intent to
5 provide financial support to the current verified trauma
6 centers and to provide incentives for the establishment of
7 additional trauma centers as part of a system of
8 state-sponsored trauma centers, the department shall utilize
9 funds collected under s. 318.18(15)(14) and deposited into the
10 Administrative Trust Fund of the department to ensure the
11 availability and accessibility of trauma services throughout
12 the state as provided in this subsection.

13 (a) Twenty percent of the total funds collected under
14 this subsection during the state fiscal year shall be
15 distributed to verified trauma centers ~~located in a region~~
16 that have ~~has~~ a local funding contribution as of December 31.
17 Distribution of funds under this paragraph shall be based on
18 trauma caseload volume for the most recent calendar year
19 available.

20 (b) Forty percent of the total funds collected under
21 this subsection shall be distributed to verified trauma
22 centers based on trauma caseload volume for ~~of~~ the most recent
23 ~~previous~~ calendar year available. The determination of
24 caseload volume for distribution of funds under this paragraph
25 shall be based on the department's Trauma Registry data.

26 (c) Forty percent of the total funds collected under
27 this subsection shall be distributed to verified trauma
28 centers based on severity of trauma patients for the most
29 recent calendar year available. The determination of severity
30 for distribution of funds under this paragraph shall be based
31 on the department's International Classification Injury

1 Severity Scores or another statistically valid and
2 scientifically accepted method of stratifying a trauma
3 patient's severity of injury, risk of mortality, and resource
4 consumption as adopted by the department by rule, weighted
5 based on the costs associated with and incurred by the trauma
6 center in treating trauma patients. The weighting of scores
7 shall be established by the department by rule ~~scores of 1-14~~
8 ~~and 15 plus.~~
9
10 Funds deposited in the department's Administrative Trust Fund
11 for verified trauma centers may be used to maximize the
12 receipt of federal funds that may be available for such trauma
13 centers. Notwithstanding this section and s. 318.14,
14 distributions to trauma centers may be adjusted in a manner to
15 ensure that total payments to trauma centers represent the
16 same proportional allocation as set forth in this section and
17 s. 318.14. For purposes of this section and s. 318.14, total
18 funds distributed to trauma centers may include revenue from
19 the Administrative Trust Fund and federal funds for which
20 revenue from the Administrative Trust Fund is used to meet
21 state or local matching requirements. Funds collected under
22 ss. 318.14 and 318.18(15) and deposited in the Administrative
23 Trust Fund of the department shall be distributed to trauma
24 centers on a quarterly basis using the most recent calendar
25 year data available. Such data shall not be used for more than
26 four quarterly distributions unless there are extenuating
27 circumstances as determined by the department, in which case
28 the most recent calendar year data available shall continue to
29 be used and appropriate adjustments shall be made as soon as
30 the more recent data becomes available. ~~Trauma centers may~~
31 ~~request that their distributions from the Administrative Trust~~

1 ~~Fund be used as intergovernmental transfer funds in the~~
2 ~~Medicaid program.~~

3 Section 6. Section 395.41, Florida Statutes, is
4 created to read:

5 395.41 Trauma center startup grant program.--There is
6 established a trauma center startup grant program.

7 (1) The Legislature recognizes the need for a
8 statewide, cohesive, uniform, and integrated trauma system,
9 and the Legislature acknowledges that the state has been
10 divided into trauma service areas. Each of the trauma service
11 areas should have at least one trauma center; however, some
12 trauma service areas do not have a trauma center because of
13 the significant up-front investment of capital required for
14 hospitals to develop the physical space, equipment, and
15 qualified personnel necessary to provide quality trauma
16 services.

17 (2) An acute care general hospital that has submitted
18 a letter of intent and an application to become a trauma
19 center pursuant to s. 395.4025 may apply to the department for
20 a startup grant. The grant applicant must demonstrate that:

21 (a) There are currently no other trauma centers in the
22 hospital's trauma service area as established under s.
23 395.402.

24 (b) There is not a trauma center within a 100-mile
25 radius of the proposed trauma center.

26 (c) The hospital has received a local funding
27 contribution as defined under s. 395.4001.

28 (d) The hospital has incurred startup costs in excess
29 of the amount of grant funding requested.

30 (e) The hospital is pursuing the establishment of a
31 residency program in internal medicine or emergency medicine.

1 (3) A hospital receiving startup grant funding that
2 does not become a provisional trauma center within 24 months
3 after submitting an application to become a trauma center must
4 forfeit any state grant funds received pursuant to this
5 section.

6 (4) A hospital that receives startup grant funding may
7 not receive more than \$500,000, must ensure that the startup
8 grant funding is matched on a dollar-for-dollar basis with a
9 local funding contribution, and shall receive startup grant
10 funding only one time.

11 Section 7. This act shall take effect July 1, 2006,
12 except that section 395.41, Florida Statutes, as created by
13 this act, shall take effect subject to an appropriation for
14 the trauma center startup grant program in the 2006-2007
15 General Appropriations Act.

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17 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
18 COMMITTEE SUBSTITUTE FOR
19 CS for SB 1532

20 Prohibits the Agency for Health Care Administration (AHCA)
21 from authorizing additional emergency departments located off
22 the premises of licensed hospitals until AHCA has adopted
23 rules including minimum standards no later than January 1,
24 2007.

25 Creates s. 395.41, F.S., related to the trauma center start-up
26 grant program to also include hospitals pursuing a residency
27 program in internal medicine.

28 Removes the appropriation.
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