

Bill No. CS for SB 2214

Barcode 704142

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11 Senator Saunders moved the following amendment:

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13 **Senate Amendment (with title amendment)**

14 Delete everything after the enacting clause

15
16 and insert:

17 Section 1. Paragraph (b) of subsection (1) of section
18 395.003, Florida Statutes, is amended to read:

19 395.003 Licensure; issuance, renewal, denial,
20 modification, suspension, and revocation.--

21 (1)

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

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

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

5 Section 2. Subsection (9) is added to section
6 395.1055, Florida Statutes, to read:

7 395.1055 Rules and enforcement.--

8 (9) The agency shall adopt rules pursuant to ss.
9 120.536(1) and 120.54 which establish licensure standards for
10 emergency departments located off the premises of licensed
11 hospitals. The rules must:

12 (a) Include minimum criteria for patient care and
13 safety, quality improvement, infection control, building
14 design and construction, location, and appropriate transport
15 of patients from the emergency department located off the
16 premises consistent with chapter 401.

17 (b) Require the hospital to maintain an emergency
18 department on its premises that is licensed and operated in
19 accordance with agency rules.

20 (c) Specify that an emergency department located off
21 the premises of a licensed hospital that was authorized prior
22 to the adoption of rules shall continue to operate in
23 accordance with the licensure criteria under which it was
24 originally authorized.

25 Section 3. Section 395.4001, Florida Statutes, is
26 amended to read:

27 395.4001 Definitions.--As used in this part, the term:

28 (1) "Agency" means the Agency for Health Care
29 Administration.

30 (2) "Charity care" or "uncompensated trauma care"
31 means that portion of hospital charges reported to the agency

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1 for which there is no compensation, other than restricted or
 2 unrestricted revenues provided to a hospital by local
 3 governments or tax districts regardless of method of payment,
 4 for care provided to a patient whose family income for the 12
 5 months preceding the determination is less than or equal to
 6 200 percent of the federal poverty level, unless the amount of
 7 hospital charges due from the patient exceeds 25 percent of
 8 the annual family income. However, in no case shall the
 9 hospital charges for a patient whose family income exceeds
 10 four times the federal poverty level for a family of four be
 11 considered charity.

12 (3) "Department" means the Department of Health.

13 (4) "Interfacility trauma transfer" means the transfer
 14 of a trauma victim between two facilities licensed under this
 15 chapter, pursuant to this part.

16 (5) "International Classification Injury Severity
 17 Score" means the statistical method for computing the severity
 18 of injuries sustained by trauma patients. The International
 19 Classification Injury Severity Score shall be the methodology
 20 used by the department and trauma centers to report the
 21 severity of an injury.

22 ~~(6)(5)~~ "Level I trauma center" means a trauma center
 23 that:

24 (a) Has formal research and education programs for the
 25 enhancement of trauma care; is verified by the department to
 26 be in substantial compliance with Level I trauma center and
 27 pediatric trauma center standards; and has been approved by
 28 the department to operate as a Level I trauma center.

29 (b) Serves as a resource facility to Level II trauma
 30 centers, pediatric trauma centers, and general hospitals
 31 through shared outreach, education, and quality improvement

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1 activities.

2 (c) Participates in an inclusive system of trauma
3 care, including providing leadership, system evaluation, and
4 quality improvement activities.

5 ~~(7)(6)~~ "Level II trauma center" means a trauma center
6 that:

7 (a) Is verified by the department to be in substantial
8 compliance with Level II trauma center standards and has been
9 approved by the department to operate as a Level II trauma
10 center.

11 (b) Serves as a resource facility to general hospitals
12 through shared outreach, education, and quality improvement
13 activities.

14 (c) Participates in an inclusive system of trauma
15 care.

16 ~~(8)~~ "Local funding contribution" means local
17 municipal, county, or tax district funding exclusive of any
18 patient-specific funds received pursuant to ss.
19 154.301-154.316, private foundation funding, or public or
20 private grant funding of at least \$150,000 received by a
21 hospital or health care system that operates a trauma center.

22 ~~(9)(7)~~ "Pediatric trauma center" means a hospital that
23 is verified by the department to be in substantial compliance
24 with pediatric trauma center standards as established by rule
25 of the department and has been approved by the department to
26 operate as a pediatric trauma center.

27 ~~(10)(8)~~ "Provisional trauma center" means a hospital
28 that has been verified by the department to be in substantial
29 compliance with the requirements in s. 395.4025 and has been
30 approved by the department to operate as a provisional Level I
31 trauma center, Level II trauma center, or pediatric trauma

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1 center.

2 ~~(11)(9)~~ "Trauma agency" means a department-approved
3 agency established and operated by one or more counties, or a
4 department-approved entity with which one or more counties
5 contract, for the purpose of administering an inclusive
6 regional trauma system.

7 ~~(12)(10)~~ "Trauma alert victim" means a person who has
8 incurred a single or multisystem injury due to blunt or
9 penetrating means or burns, who requires immediate medical
10 intervention or treatment, and who meets one or more of the
11 adult or pediatric scorecard criteria established by the
12 department by rule.

13 ~~(13)~~ "Trauma caseload volume" means the number of
14 trauma patients reported by individual trauma centers to the
15 Trauma Registry and validated by the department.

16 ~~(14)(11)~~ "Trauma center" means a hospital that has
17 been verified by the department to be in substantial
18 compliance with the requirements in s. 395.4025 and has been
19 approved by the department to operate as a Level I trauma
20 center, Level II trauma center, or pediatric trauma center.

21 ~~(15)~~ "Trauma patient" means a person who has incurred
22 a physical injury or wound caused by trauma and has accessed a
23 trauma center.

24 ~~(16)(12)~~ "Trauma scorecard" means a statewide
25 methodology adopted by the department by rule under which a
26 person who has incurred a traumatic injury is graded as to the
27 severity of his or her injuries or illness and which
28 methodology is used as the basis for making destination
29 decisions.

30 ~~(17)(13)~~ "Trauma transport protocol" means a document
31 which describes the policies, processes, and procedures

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1 governing the dispatch of vehicles, the triage, prehospital
2 transport, and interfacility trauma transfer of trauma
3 victims.

4 ~~(18)(14)~~ "Trauma victim" means any person who has
5 incurred a single or multisystem injury due to blunt or
6 penetrating means or burns and who requires immediate medical
7 intervention or treatment.

8 Section 4. Section 395.4035, Florida Statutes, is
9 repealed.

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

12 395.4036 Trauma payments.--

13 (1) Recognizing the Legislature's stated intent to
14 provide financial support to the current verified trauma
15 centers and to provide incentives for the establishment of
16 additional trauma centers as part of a system of
17 state-sponsored trauma centers, the department shall utilize
18 funds collected under s. 318.18~~(15)(14)~~ and deposited into the
19 Administrative Trust Fund of the department to ensure the
20 availability and accessibility of trauma services throughout
21 the state as provided in this subsection.

22 (a) Twenty percent of the total funds collected under
23 this subsection during the state fiscal year shall be
24 distributed to verified trauma centers ~~located in a region~~
25 that have ~~has~~ a local funding contribution as of December 31.
26 Distribution of funds under this paragraph shall be based on
27 trauma caseload volume for the most recent calendar year
28 available.

29 (b) Forty percent of the total funds collected under
30 this subsection shall be distributed to verified trauma
31 centers based on trauma caseload volume for ~~of~~ the most recent

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1 ~~previous~~ calendar year available. The determination of
2 caseload volume for distribution of funds under this paragraph
3 shall be based on the department's Trauma Registry data.

4 (c) Forty percent of the total funds collected under
5 this subsection shall be distributed to verified trauma
6 centers based on severity of trauma patients for the most
7 recent calendar year available. The determination of severity
8 for distribution of funds under this paragraph shall be based
9 on the department's International Classification Injury
10 Severity Scores or another statistically valid and
11 scientifically accepted method of stratifying a trauma
12 patient's severity of injury, risk of mortality, and resource
13 consumption as adopted by the department by rule, weighted
14 based on the costs associated with and incurred by the trauma
15 center in treating trauma patients. The weighting of scores
16 shall be established by the department by rule ~~scores of 1-14~~
17 ~~and 15 plus~~.

18
19 Funds deposited in the department's Administrative Trust Fund
20 for verified trauma centers may be used to maximize the
21 receipt of federal funds that may be available for such trauma
22 centers. Notwithstanding this section and s. 318.14,
23 distributions to trauma centers may be adjusted in a manner to
24 ensure that total payments to trauma centers represent the
25 same proportional allocation as set forth in this section and
26 s. 318.14. For purposes of this section and s. 318.14, total
27 funds distributed to trauma centers may include revenue from
28 the Administrative Trust Fund and federal funds for which
29 revenue from the Administrative Trust Fund is used to meet
30 state or local matching requirements. Funds collected under
31 ss. 318.14 and 318.18(15) and deposited in the Administrative

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1 Trust Fund of the department shall be distributed to trauma
 2 centers on a quarterly basis using the most recent calendar
 3 year data available. Such data shall not be used for more than
 4 four quarterly distributions unless there are extenuating
 5 circumstances as determined by the department, in which case
 6 the most recent calendar year data available shall continue to
 7 be used and appropriate adjustments shall be made as soon as
 8 the more recent data becomes available. ~~Trauma centers may~~
 9 ~~request that their distributions from the Administrative Trust~~
 10 ~~Fund be used as intergovernmental transfer funds in the~~
 11 ~~Medicaid program.~~

12 Section 6. Section 395.41, Florida Statutes, is
 13 created to read:

14 395.41 Trauma center startup grant program.--There is
 15 established a trauma center startup grant program.

16 (1) The Legislature recognizes the need for a
 17 statewide, cohesive, uniform, and integrated trauma system,
 18 and the Legislature acknowledges that the state has been
 19 divided into trauma service areas. Each of the trauma service
 20 areas should have at least one trauma center; however, some
 21 trauma service areas do not have a trauma center because of
 22 the significant up-front investment of capital required for
 23 hospitals to develop the physical space, equipment, and
 24 qualified personnel necessary to provide quality trauma
 25 services.

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

30 (a) There are currently no other trauma centers in the
 31 hospital's trauma service area as established under s.

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1 395.402.

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

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

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

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

10 (3) A hospital receiving startup grant funding that
11 does not become a provisional trauma center within 24 months
12 after submitting an application to become a trauma center must
13 forfeit any state grant funds received pursuant to this
14 section.

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

20 Section 7. This act shall take effect July 1, 2006,
21 except that section 395.41, Florida Statutes, as created by
22 this act, shall take effect subject to an appropriation for
23 the trauma center startup grant program in the 2006-2007
24 General Appropriations Act.

25
26

27 ===== T I T L E A M E N D M E N T =====

28 And the title is amended as follows:

29 Delete everything before the enacting clause

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31 and insert:

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A bill to be entitled

An act relating to hospital licensing and regulation; amending s. 395.003, F.S.; prohibiting authorization of additional emergency departments located off the premises of licensed hospitals until the Agency for Health Care Administration adopts rules; amending s. 395.1055, F.S.; requiring the agency to adopt rules to establish licensure standards for emergency departments located off the premises of licensed hospitals; requiring the rules to address certain topics; amending s. 395.4001, F.S.; providing definitions; repealing s. 395.4035, F.S., to terminate the Trauma Services Trust Fund; amending s. 395.4036, F.S.; revising provisions relating to distribution of funds to trauma centers and use thereof; creating s. 395.41, F.S.; establishing a trauma center startup grant program; providing conditions for the receipt of a startup grant; providing limitations; making the trauma center startup grant program subject to an appropriation in the General Appropriations Act; providing a contingent effective date.