



Bill No. CS for SB 2214

Barcode 825990

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 17. 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 proximity to existing  
15 emergency departments, staffing, including availability of  
16 physicians, the extent to which approval will enhance access  
17 for Medicaid and underserved populations, impact on existing  
18 hospitals, and appropriate transport of patients from the  
19 emergency department located off the premises consistent with  
20 chapter 401.

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

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

29           Section 18. Section 395.4001, Florida Statutes, is  
30 amended to read:

31           395.4001 Definitions.--As used in this part, the term:

Bill No. CS for SB 2214

Barcode 825990

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

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

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

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

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

26 ~~(6)(5)~~ "Level I trauma center" means a trauma center  
27 that:

28 (a) Has formal research and education programs for the  
29 enhancement of trauma care; is verified by the department to  
30 be in substantial compliance with Level I trauma center and  
31 pediatric trauma center standards; and has been approved by

Bill No. CS for SB 2214

Barcode 825990

1 the department to operate as a Level I trauma center.

2 (b) Serves as a resource facility to Level II trauma  
3 centers, pediatric trauma centers, and general hospitals  
4 through shared outreach, education, and quality improvement  
5 activities.

6 (c) Participates in an inclusive system of trauma  
7 care, including providing leadership, system evaluation, and  
8 quality improvement activities.

9 ~~(7)(6)~~ "Level II trauma center" means a trauma center  
10 that:

11 (a) Is verified by the department to be in substantial  
12 compliance with Level II trauma center standards and has been  
13 approved by the department to operate as a Level II trauma  
14 center.

15 (b) Serves as a resource facility to general hospitals  
16 through shared outreach, education, and quality improvement  
17 activities.

18 (c) Participates in an inclusive system of trauma  
19 care.

20 (8) "Local funding contribution" means local  
21 municipal, county, or tax district funding exclusive of any  
22 patient-specific funds received pursuant to ss.  
23 154.301-154.316, private foundation funding, or public or  
24 private grant funding of at least \$150,000 received by a  
25 hospital or health care system that operates a trauma center.

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

31 ~~(10)(8)~~ "Provisional trauma center" means a hospital

Bill No. CS for SB 2214

Barcode 825990

1 that has been verified by the department to be in substantial  
2 compliance with the requirements in s. 395.4025 and has been  
3 approved by the department to operate as a provisional Level I  
4 trauma center, Level II trauma center, or pediatric trauma  
5 center.

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

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

17 (13) "Trauma caseload volume" means the number of  
18 trauma patients reported by individual trauma centers to the  
19 Trauma Registry and validated by the department.

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

25 (15) "Trauma patient" means a person who has incurred  
26 a physical injury or wound caused by trauma and has accessed a  
27 trauma center.

28 ~~(16)(12)~~ "Trauma scorecard" means a statewide  
29 methodology adopted by the department by rule under which a  
30 person who has incurred a traumatic injury is graded as to the  
31 severity of his or her injuries or illness and which

Bill No. CS for SB 2214

Barcode 825990

1 methodology is used as the basis for making destination  
2 decisions.

3 ~~(17)(13)~~ "Trauma transport protocol" means a document  
4 which describes the policies, processes, and procedures  
5 governing the dispatch of vehicles, the triage, prehospital  
6 transport, and interfacility trauma transfer of trauma  
7 victims.

8 ~~(18)(14)~~ "Trauma victim" means any person who has  
9 incurred a single or multisystem injury due to blunt or  
10 penetrating means or burns and who requires immediate medical  
11 intervention or treatment.

12 Section 19. Section 395.4035, Florida Statutes, is  
13 repealed.

14 Section 20. Subsection (1) of section 395.4036,  
15 Florida Statutes, is amended to read:

16 395.4036 Trauma payments.--

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

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

Bill No. CS for SB 2214

Barcode 825990

1 available.

2 (b) Forty percent of the total funds collected under  
3 this subsection shall be distributed to verified trauma  
4 centers based on trauma caseload volume for ~~of~~ the most recent  
5 ~~previous~~ calendar year available. The determination of  
6 caseload volume for distribution of funds under this paragraph  
7 shall be based on the department's Trauma Registry data.

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

22  
23 Funds deposited in the department's Administrative Trust Fund  
24 for verified trauma centers may be used to maximize the  
25 receipt of federal funds that may be available for such trauma  
26 centers. Notwithstanding this section and s. 318.14,  
27 distributions to trauma centers may be adjusted in a manner to  
28 ensure that total payments to trauma centers represent the  
29 same proportional allocation as set forth in this section and  
30 s. 318.14. For purposes of this section and s. 318.14, total  
31 funds distributed to trauma centers may include revenue from

Bill No. CS for SB 2214

Barcode 825990

1 the Administrative Trust Fund and federal funds for which  
 2 revenue from the Administrative Trust Fund is used to meet  
 3 state or local matching requirements. Funds collected under  
 4 ss. 318.14 and 318.18(15) and deposited in the Administrative  
 5 Trust Fund of the department shall be distributed to trauma  
 6 centers on a quarterly basis using the most recent calendar  
 7 year data available. Such data shall not be used for more than  
 8 four quarterly distributions unless there are extenuating  
 9 circumstances as determined by the department, in which case  
 10 the most recent calendar year data available shall continue to  
 11 be used and appropriate adjustments shall be made as soon as  
 12 the more recent data becomes available. Trauma centers may  
 13 ~~request that their distributions from the Administrative Trust~~  
 14 ~~Fund be used as intergovernmental transfer funds in the~~  
 15 ~~Medicaid program.~~

16 Section 21. Section 395.41, Florida Statutes, is  
 17 created to read:

18 395.41 Trauma center startup grant program.--There is  
 19 established a trauma center startup grant program.

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

30 (2) An acute care general hospital that has submitted  
 31 a letter of intent and an application to become a trauma

Bill No. CS for SB 2214

Barcode 825990

1 center pursuant to s. 395.4025 may apply to the department for  
2 a startup grant. The grant applicant must demonstrate that:

3 (a) There are currently no other trauma centers in the  
4 hospital's trauma service area as established under s.  
5 395.402.

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

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

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

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

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

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

24 Section 22. This act shall take effect July 1, 2006,  
25 except that sections 1-15 of this act shall take effect  
26 October 1, 2006, and section 395.41, Florida Statutes, as  
27 created by this act, shall take effect subject to an  
28 appropriation for the trauma center startup grant program in  
29 the 2006-2007 General Appropriations Act.

30  
31

Bill No. CS for SB 2214

Barcode 825990

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

2 And the title is amended as follows:

3            On page 5, line 16, delete that line

4

5 and insert:

6            amending s. 395.003, F.S.; prohibiting

7            authorization of additional emergency

8            departments located off the premises of

9            licensed hospitals until the Agency for Health

10            Care Administration adopts rules; amending s.

11            395.1055, F.S.; requiring the agency to adopt

12            rules to establish licensure standards for

13            emergency departments located off the premises

14            of licensed hospitals; requiring the rules to

15            address certain topics; amending s. 395.4001,

16            F.S.; providing definitions; repealing s.

17            395.4035, F.S., to terminate the Trauma

18            Services Trust Fund; amending s. 395.4036,

19            F.S.; revising provisions relating to

20            distribution of funds to trauma centers and use

21            thereof; creating s. 395.41, F.S.; establishing

22            a trauma center startup grant program;

23            providing conditions for the receipt of a

24            startup grant; providing limitations; making

25            the trauma center startup grant program subject

26            to an appropriation in the General

27            Appropriations Act; providing effective dates.

28

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