

CHAMBER ACTION

1 The Health & Families Council recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

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

HB 715 CS

2006
CS

23 appropriation in the General Appropriations Act; providing
24 a contingent effective date.

25
26 Be It Enacted by the Legislature of the State of Florida:

27
28 Section 1. Paragraph (b) of subsection (1) of section
29 395.003, Florida Statutes, is amended to read:

30 395.003 Licensure; issuance, renewal, denial,
31 modification, suspension, and revocation.--

32 (1)

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

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

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

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

49 395.1055 Rules and enforcement.--

HB 715 CS

2006
CS

50 (9) The agency shall adopt rules pursuant to ss.
 51 120.536(1) and 120.54 no later than January 1, 2007, that
 52 establish licensure standards for emergency departments located
 53 off the premises of licensed hospitals. The rules must:

54 (a) Include minimum criteria for patient care and safety,
 55 quality improvement, infection control, building design and
 56 construction, location, and appropriate transport of patients
 57 from the emergency department located off the premises
 58 consistent with chapter 401.

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

62 (c) Specify that an emergency department located off the
 63 premises of a licensed hospital that was authorized prior to the
 64 adoption of rules shall continue to operate in accordance with
 65 the licensure criteria under which it was originally authorized.

66 Section 3. Section 395.4001, Florida Statutes, is amended
 67 to read:

68 395.4001 Definitions.--As used in this part, the term:

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

71 (2) "Charity care" or "uncompensated trauma care" means
 72 that portion of hospital charges reported to the agency for
 73 which there is no compensation, other than restricted or
 74 unrestricted revenues provided to a hospital by local
 75 governments or tax districts regardless of method of payment,
 76 for care provided to a patient whose family income for the 12
 77 months preceding the determination is less than or equal to 200

HB 715 CS

2006
CS

78 | percent of the federal poverty level, unless the amount of
79 | hospital charges due from the patient exceeds 25 percent of the
80 | annual family income. However, in no case shall the hospital
81 | charges for a patient whose family income exceeds four times the
82 | federal poverty level for a family of four be considered
83 | charity.

84 | (3) "Department" means the Department of Health.

85 | (4) "Interfacility trauma transfer" means the transfer of
86 | a trauma victim between two facilities licensed under this
87 | chapter, pursuant to this part.

88 | (5) "International Classification Injury Severity Score"
89 | means the statistical method for computing the severity of
90 | injuries sustained by trauma patients. The International
91 | Classification Injury Severity Score shall be the methodology
92 | used by the department and trauma centers to report the severity
93 | of an injury.

94 | (6)~~(5)~~ "Level I trauma center" means a trauma center that:

95 | (a) Has formal research and education programs for the
96 | enhancement of trauma care; is verified by the department to be
97 | in substantial compliance with Level I trauma center and
98 | pediatric trauma center standards; and has been approved by the
99 | department to operate as a Level I trauma center.

100 | (b) Serves as a resource facility to Level II trauma
101 | centers, pediatric trauma centers, and general hospitals through
102 | shared outreach, education, and quality improvement activities.

103 | (c) Participates in an inclusive system of trauma care,
104 | including providing leadership, system evaluation, and quality
105 | improvement activities.

HB 715 CS

2006
CS

106 ~~(7)-(6)~~ "Level II trauma center" means a trauma center
107 that:

108 (a) Is verified by the department to be in substantial
109 compliance with Level II trauma center standards and has been
110 approved by the department to operate as a Level II trauma
111 center.

112 (b) Serves as a resource facility to general hospitals
113 through shared outreach, education, and quality improvement
114 activities.

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

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

122 ~~(9)-(7)~~ "Pediatric trauma center" means a hospital that is
123 verified by the department to be in substantial compliance with
124 pediatric trauma center standards as established by rule of the
125 department and has been approved by the department to operate as
126 a pediatric trauma center.

127 ~~(10)-(8)~~ "Provisional trauma center" means a hospital that
128 has been verified by the department to be in substantial
129 compliance with the requirements in s. 395.4025 and has been
130 approved by the department to operate as a provisional Level I
131 trauma center, Level II trauma center, or pediatric trauma
132 center.

HB 715 CS

2006
CS

133 ~~(11)~~~~(9)~~ "Trauma agency" means a department-approved agency
134 established and operated by one or more counties, or a
135 department-approved entity with which one or more counties
136 contract, for the purpose of administering an inclusive regional
137 trauma system.

138 ~~(12)~~~~(10)~~ "Trauma alert victim" means a person who has
139 incurred a single or multisystem injury due to blunt or
140 penetrating means or burns, who requires immediate medical
141 intervention or treatment, and who meets one or more of the
142 adult or pediatric scorecard criteria established by the
143 department by rule.

144 (13) "Trauma caseload volume" means the number of trauma
145 patients reported by individual trauma centers to the Trauma
146 Registry and validated by the department.

147 ~~(14)~~~~(11)~~ "Trauma center" means a hospital that has been
148 verified by the department to be in substantial compliance with
149 the requirements in s. 395.4025 and has been approved by the
150 department to operate as a Level I trauma center, Level II
151 trauma center, or pediatric trauma center.

152 (15) "Trauma patient" means a person who has incurred a
153 physical injury or wound caused by trauma and has accessed a
154 trauma center.

155 ~~(16)~~~~(12)~~ "Trauma scorecard" means a statewide methodology
156 adopted by the department by rule under which a person who has
157 incurred a traumatic injury is graded as to the severity of his
158 or her injuries or illness and which methodology is used as the
159 basis for making destination decisions.

HB 715 CS

2006
CS

160 (17)~~(13)~~ "Trauma transport protocol" means a document
 161 which describes the policies, processes, and procedures
 162 governing the dispatch of vehicles, the triage, prehospital
 163 transport, and interfacility trauma transfer of trauma victims.

164 (18)~~(14)~~ "Trauma victim" means any person who has incurred
 165 a single or multisystem injury due to blunt or penetrating means
 166 or burns and who requires immediate medical intervention or
 167 treatment.

168 Section 4. Section 395.4035, Florida Statutes, is
 169 repealed.

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

172 395.4036 Trauma payments.--

173 (1) Recognizing the Legislature's stated intent to provide
 174 financial support to the current verified trauma centers and to
 175 provide incentives for the establishment of additional trauma
 176 centers as part of a system of state-sponsored trauma centers,
 177 the department shall utilize funds collected under s.
 178 318.18 (15)~~(14)~~ and deposited into the Administrative Trust Fund
 179 of the department to ensure the availability and accessibility
 180 of trauma services throughout the state as provided in this
 181 subsection.

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

HB 715 CS

2006
CS

188 (b) Forty percent of the total funds collected under this
189 subsection shall be distributed to verified trauma centers based
190 on trauma caseload volume for ~~of~~ the most recent ~~previous~~
191 calendar year available. The determination of caseload volume
192 for distribution of funds under this paragraph shall be based on
193 the department's Trauma Registry data.

194 (c) Forty percent of the total funds collected under this
195 subsection shall be distributed to verified trauma centers based
196 on severity of trauma patients for the most recent calendar year
197 available. The determination of severity for distribution of
198 funds under this paragraph shall be based on the department's
199 International Classification Injury Severity Scores or another
200 statistically valid and scientifically accepted method of
201 stratifying a trauma patient's severity of injury, risk of
202 mortality, and resource consumption as adopted by the department
203 by rule, weighted based on the costs associated with and
204 incurred by the trauma center in treating trauma patients. The
205 weighting of scores shall be established by the department by
206 rule scores of 1-14 and 15 plus.

207
208 Funds deposited in the department's Administrative Trust Fund
209 for verified trauma centers may be used to maximize the receipt
210 of federal funds that may be available for such trauma centers.
211 Notwithstanding this section and s. 318.14, distributions to
212 trauma centers may be adjusted in a manner to ensure that total
213 payments to trauma centers represent the same proportional
214 allocation as set forth in this section and s. 318.14. For
215 purposes of this section and s. 318.14, total funds distributed

HB 715 CS

2006
CS

216 to trauma centers may include revenue from the Administrative
217 Trust Fund and federal funds for which revenue from the
218 Administrative Trust Fund is used to meet state or local
219 matching requirements. Funds collected under ss. 318.14 and
220 318.18(15) and deposited in the Administrative Trust Fund of the
221 department shall be distributed to trauma centers on a quarterly
222 basis using the most recent calendar year data available. Such
223 data shall not be used for more than four quarterly
224 distributions unless there are extenuating circumstances as
225 determined by the department, in which case the most recent
226 calendar year data available shall continue to be used and
227 appropriate adjustments shall be made as soon as the more recent
228 data becomes available. Trauma centers may request that their
229 distributions from the Administrative Trust Fund be used as
230 intergovernmental transfer funds in the Medicaid program.

231 Section 6. Section 395.41, Florida Statutes, is created to
232 read:

233 395.41 Trauma center startup grant program.--There is
234 established a trauma center startup grant program.

235 (1) The Legislature recognizes the need for a statewide,
236 cohesive, uniform, and integrated trauma system, and the
237 Legislature acknowledges that the state has been divided into
238 trauma service areas. Each of the trauma service areas should
239 have at least one trauma center; however, some trauma service
240 areas do not have a trauma center because of the significant up-
241 front investment of capital required for hospitals to develop
242 the physical space, equipment, and qualified personnel necessary
243 to provide quality trauma services.

HB 715 CS

2006
CS

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

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

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

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

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

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

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

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

267 Section 7. This act shall take effect July 1, 2006, except
268 that section 395.41, Florida Statutes, as created by this act,
269 shall take effect subject to an appropriation for the trauma
270 center startup grant program in the 2006-2007 General
271 Appropriations Act.