

1 A bill to be entitled

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

21
22 Be It Enacted by the Legislature of the State of Florida:

23
24 Section 1. Paragraph (b) of subsection (1) of section
25 395.003, Florida Statutes, is amended to read:

26 395.003 Licensure; issuance, renewal, denial,
27 modification, suspension, and revocation.--

28 (1)
 29 (b)1. It is unlawful for a person to use or advertise to
 30 the public, in any way or by any medium whatsoever, any facility
 31 as a "hospital," "ambulatory surgical center," or "mobile
 32 surgical facility" unless such facility has first secured a
 33 license under the provisions of this part.

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

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

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

45 395.1055 Rules and enforcement.--

46 (9) The agency shall adopt rules pursuant to ss.
 47 120.536(1) and 120.54 no later than January 1, 2007, that
 48 establish licensure standards for emergency departments located
 49 off the premises of licensed hospitals. The rules must:

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

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

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

62 Section 3. Section 395.4001, Florida Statutes, is amended
63 to read:

64 395.4001 Definitions.--As used in this part, the term:

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

67 (2) "Charity care" or "uncompensated trauma care" means
68 that portion of hospital charges reported to the agency for
69 which there is no compensation, other than restricted or
70 unrestricted revenues provided to a hospital by local
71 governments or tax districts regardless of method of payment,
72 for care provided to a patient whose family income for the 12
73 months preceding the determination is less than or equal to 200
74 percent of the federal poverty level, unless the amount of
75 hospital charges due from the patient exceeds 25 percent of the
76 annual family income. However, in no case shall the hospital
77 charges for a patient whose family income exceeds four times the
78 federal poverty level for a family of four be considered
79 charity.

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

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

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

90 (6)~~(5)~~ "Level I trauma center" means a trauma center that:

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

96 (b) Serves as a resource facility to Level II trauma
 97 centers, pediatric trauma centers, and general hospitals through
 98 shared outreach, education, and quality improvement activities.

99 (c) Participates in an inclusive system of trauma care,
 100 including providing leadership, system evaluation, and quality
 101 improvement activities.

102 (7)~~(6)~~ "Level II trauma center" means a trauma center
 103 that:

104 (a) Is verified by the department to be in substantial
 105 compliance with Level II trauma center standards and has been
 106 approved by the department to operate as a Level II trauma
 107 center.

108 (b) Serves as a resource facility to general hospitals
 109 through shared outreach, education, and quality improvement
 110 activities.

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

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

118 (9)-(7) "Pediatric trauma center" means a hospital that is
 119 verified by the department to be in substantial compliance with
 120 pediatric trauma center standards as established by rule of the
 121 department and has been approved by the department to operate as
 122 a pediatric trauma center.

123 (10)-(8) "Provisional trauma center" means a hospital that
 124 has been verified by the department to be in substantial
 125 compliance with the requirements in s. 395.4025 and has been
 126 approved by the department to operate as a provisional Level I
 127 trauma center, Level II trauma center, or pediatric trauma
 128 center.

129 (11)-(9) "Trauma agency" means a department-approved agency
 130 established and operated by one or more counties, or a
 131 department-approved entity with which one or more counties
 132 contract, for the purpose of administering an inclusive regional
 133 trauma system.

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

140 (13) "Trauma caseload volume" means the number of trauma
141 patients reported by individual trauma centers to the Trauma
142 Registry and validated by the department.

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

148 (15) "Trauma patient" means a person who has incurred a
149 physical injury or wound caused by trauma and has accessed a
150 trauma center.

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

156 ~~(13)~~ "Trauma transport protocol" means a document
157 which describes the policies, processes, and procedures
158 governing the dispatch of vehicles, the triage, prehospital
159 transport, and interfacility trauma transfer of trauma victims.

160 ~~(18)~~~~(14)~~ "Trauma victim" means any person who has incurred
 161 a single or multisystem injury due to blunt or penetrating means
 162 or burns and who requires immediate medical intervention or
 163 treatment.

164 Section 4. Section 395.4035, Florida Statutes, is
 165 repealed.

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

168 395.4036 Trauma payments.--

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

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

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

187 | calendar year available. The determination of caseload volume
188 | for distribution of funds under this paragraph shall be based on
189 | the department's Trauma Registry data.

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

203 |
204 | Funds deposited in the department's Administrative Trust Fund
205 | for verified trauma centers may be used to maximize the receipt
206 | of federal funds that may be available for such trauma centers.
207 | Notwithstanding this section and s. 318.14, distributions to
208 | trauma centers may be adjusted in a manner to ensure that total
209 | payments to trauma centers represent the same proportional
210 | allocation as set forth in this section and s. 318.14. For
211 | purposes of this section and s. 318.14, total funds distributed
212 | to trauma centers may include revenue from the Administrative
213 | Trust Fund and federal funds for which revenue from the

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

227 Section 6. Section 395.41, Florida Statutes, is created to
228 read:

229 395.41 Trauma center startup grant program.--There is
230 established a trauma center startup grant program.

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

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

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

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

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

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

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

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

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

263 Section 7. This act shall take effect July 1, 2006, except
264 that section 395.41, Florida Statutes, as created by this act,
265 shall take effect subject to an appropriation for the trauma

HB 715, Engrossed 1

2006

266 | center startup grant program in the 2006-2007 General
267 | Appropriations Act.