

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 to establish licensure  
8 standards for emergency departments located off the  
9 premises of licensed hospitals; requiring the rules to  
10 address certain topics; amending s. 395.4001, F.S.;  
11 providing definitions; repealing s. 395.4035, F.S., to  
12 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 that establish licensure standards for  
 48 emergency departments located off the premises of licensed  
 49 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)~~ (12) "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)~~ (14) "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)~~ (16) "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)~~ (17) "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

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