

By the Committees on Appropriations; and Health Policy; and
Senator Grimsley

576-04213-14

20141276c2

1 A bill to be entitled
2 An act relating to trauma service centers; amending s.
3 395.401, F.S.; limiting trauma service fees to a
4 certain amount; providing for future expiration;
5 amending s. 395.402, F.S.; requiring the Department of
6 Health to convene the Florida Trauma System Plan
7 Advisory Council by a specified date; requiring the
8 Florida Trauma System Plan Advisory Council to review
9 the Trauma System Consultation Report and make
10 recommendations to the Legislature by a specified
11 date; authorizing the Florida Trauma System Plan
12 Advisory Council to make recommendations to the State
13 Surgeon General; designating the membership of the
14 advisory council; amending s. 395.4025, F.S.; deleting
15 a provision relating to the procedure for protesting
16 an application decision by the department; conforming
17 cross-references; authorizing certain provisional and
18 verified trauma centers to continue operating and to
19 apply for renewal; restricting the department from
20 verifying, designating, or provisionally approving
21 hospitals as trauma centers; providing for future
22 expiration; providing an effective date.

23
24 Be It Enacted by the Legislature of the State of Florida:

25
26 Section 1. Present paragraphs (k) through (o) of subsection
27 (1) of section 395.401, Florida Statutes, are redesignated as
28 paragraphs (l) through (p), respectively, and a new paragraph
29 (k) is added to that subsection, to read:

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30 395.401 Trauma services system plans; approval of trauma
31 centers and pediatric trauma centers; procedures; renewal.-

32 (1)

33 (k) No hospital operating a trauma center may charge a
34 trauma activation fee greater than \$15,000. This paragraph
35 expires on July 1, 2015.

36 Section 2. Subsection (5) is added to section 395.402,
37 Florida Statutes, to read:

38 395.402 Trauma service areas; number and location of trauma
39 centers.-

40 (5) No later than October 1, 2014, the department must
41 convene the Florida Trauma System Plan Advisory Council in order
42 to review the Trauma System Consultation Report issued by the
43 American College of Surgeons Committee on Trauma dated February
44 2-5, 2013. Based on this review, the advisory council must
45 submit recommendations, including recommended statutory changes,
46 to the President of the Senate and the Speaker of the House of
47 Representatives by February 1, 2015. The advisory council may
48 make recommendations to the State Surgeon General regarding the
49 continuing development of the Florida trauma system. The
50 advisory council will consist of nine representatives of an
51 inclusive trauma system appointed by the State Surgeon General.
52 These nine representatives must be as follows:

53 (a) A trauma patient, or a family member of a trauma
54 patient, who has sustained and recovered from severe injuries;

55 (b) A member of the Florida Committee on Trauma;

56 (c) A member of the Association of Florida Trauma
57 Coordinators;

58 (d) A CEO of a nontrauma, acute care hospital who is a

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59 member of the Florida Hospital Association;

60 (e) A member of the Florida Emergency Medical Services
61 Advisory Council;

62 (f) A member of the Florida Injury Prevention Advisory
63 Council;

64 (g) A member of the Brain and Spinal Cord Injury Program
65 Advisory Council;

66 (h) A member of the Florida Chamber of Commerce; and

67 (i) A member of the Florida Health Insurance Advisory
68 Board.

69 Section 3. Present subsections (8) through (12) of section
70 395.4025, Florida Statutes, are redesignated as subsections (7)
71 through (11), respectively, paragraph (d) of subsection (2) and
72 present subsection (7) of that section are amended, present
73 subsections (13) and (14) of that section are redesignated as
74 subsections (12) and (13), respectively, and amended, and new
75 subsections (14) and (15) are added to that section, to read:

76 395.4025 Trauma centers; selection; quality assurance;
77 records.—

78 (2)

79 (d)1. Notwithstanding other provisions in this section, the
80 department may grant up to an additional 18 months to a hospital
81 applicant that is unable to meet all requirements as provided in
82 paragraph (c) at the time of application if the number of
83 applicants in the service area in which the applicant is located
84 is equal to or less than the service area allocation, as
85 provided by rule of the department. An applicant that is granted
86 additional time under ~~pursuant to~~ this paragraph shall submit a
87 plan for departmental approval which includes timelines and

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88 activities that the applicant proposes to complete in order to
89 meet application requirements. An ~~Any~~ applicant that
90 demonstrates an ongoing effort to complete the activities within
91 the timelines outlined in the plan shall be included in the
92 number of trauma centers at such time that the department has
93 conducted a provisional review of the application and has
94 determined that the application is complete and that the
95 hospital has the critical elements required for a trauma center.

96 2. Timeframes provided in subsections (1)-(7) ~~(1)-(8)~~ shall
97 be stayed until the department determines that the application
98 is complete and that the hospital has the critical elements
99 required for a trauma center.

100 ~~(7) Any hospital that wishes to protest a decision made by~~
101 ~~the department based on the department's preliminary or in-depth~~
102 ~~review of applications or on the recommendations of the site~~
103 ~~visit review team pursuant to this section shall proceed as~~
104 ~~provided in chapter 120. Hearings held under this subsection~~
105 ~~shall be conducted in the same manner as provided in ss. 120.569~~
106 ~~and 120.57. Cases filed under chapter 120 may combine all~~
107 ~~disputes between parties.~~

108 (12) ~~(13)~~ The department may adopt, by rule, the procedures
109 and process by which it will select trauma centers. Such
110 procedures and process must be used in annually selecting trauma
111 centers and must be consistent with subsections (1)-(7) ~~(1)-(8)~~
112 except in those situations in which it is in the best interest
113 of, and mutually agreed to by, all applicants within a service
114 area and the department to reduce the timeframes.

115 (13) ~~(14)~~ Notwithstanding the procedures established
116 pursuant to subsections (1)-(12) ~~(1) through (13)~~, hospitals

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117 located in areas with limited access to trauma center services
118 shall be designated by the department as Level II trauma centers
119 based on documentation of a valid certificate of trauma center
120 verification from the American College of Surgeons. Areas with
121 limited access to trauma center services are defined by the
122 following criteria:

123 (a) The hospital is located in a trauma service area with a
124 population greater than 600,000 persons but a population density
125 of less than 225 persons per square mile;

126 (b) The hospital is located in a county with no verified
127 trauma center; and

128 (c) The hospital is located at least 15 miles or 20 minutes
129 travel time by ground transport from the nearest verified trauma
130 center.

131 (14) Notwithstanding any other law, a hospital designated
132 as a provisional or verified as a Level I, Level II, or
133 pediatric trauma center after the enactment of chapter 2004-259,
134 Laws of Florida, whose approval has not been revoked may
135 continue to operate at the same trauma center level as a Level
136 I, Level II, or pediatric trauma center until the approval
137 period in subsection (6) expires, as long as the hospital
138 continues to meet the other requirements of part II of this
139 chapter, related to trauma center standards and patient
140 outcomes. Any hospital that meets the requirements of this
141 section is eligible for renewal of its 7-year approval period
142 pursuant to subsection (6).

143 (15) The department may not verify, designate, or
144 provisionally approve any hospital to operate as a trauma center
145 through the procedures established in subsections (1)-(13). This

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146 subsection expires July 1, 2015.

147 Section 4. This act shall take effect July 1, 2014.