

1 A bill to be entitled
2 An act relating to allocation of trauma centers;
3 amending s. 395.402, F.S.; determining the need for a
4 minimum number of Level I or Level II adult trauma
5 centers in trauma service areas with certain
6 population levels; authorizing the Department of
7 Health to allocate additional trauma centers above the
8 minimum number deemed necessary; removing the cap on
9 the number of trauma centers allowed statewide;
10 deleting an obsolete provision; amending s. 395.4025,
11 F.S.; determining the need for a minimum number of
12 Level I or Level II adult trauma centers in trauma
13 service areas with certain population levels;
14 providing that only certain hospitals may protest a
15 decision made by the department; providing that
16 certain trauma centers that were verified or
17 determined by the department to be in substantial
18 compliance with specified standards are deemed to have
19 met application and operational requirements;
20 requiring the department to designate a certain
21 provisionally approved Level II trauma center as a
22 trauma center if certain criteria are met; providing
23 an effective date.

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

26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50

Section 1. Subsection (4) of section 395.402, Florida Statutes, is amended to read:

395.402 Trauma service areas; number and location of trauma centers.—

(4) Annually thereafter, the department shall review the assignment of the 67 counties to trauma service areas, in addition to the requirements of paragraphs (2)(b)-(g) and subsection (3). County assignments are made for the purpose of developing a system of trauma centers. Revisions made by the department shall take into consideration the recommendations made as part of the regional trauma system plans approved by the department and the recommendations made as part of the state trauma system plan. In cases where a trauma service area is located within the boundaries of more than one trauma region, the trauma service area's needs, response capability, and system requirements shall be considered by each trauma region served by that trauma service area in its regional system plan. ~~Until the department completes the February 2005 assessment, the assignment of counties shall remain as established in this section.~~

(a) The following trauma service areas are hereby established:

1. Trauma service area 1 shall consist of Escambia, Okaloosa, Santa Rosa, and Walton Counties.

- 51 2. Trauma service area 2 shall consist of Bay, Gulf,
 52 Holmes, and Washington Counties.
- 53 3. Trauma service area 3 shall consist of Calhoun,
 54 Franklin, Gadsden, Jackson, Jefferson, Leon, Liberty, Madison,
 55 Taylor, and Wakulla Counties.
- 56 4. Trauma service area 4 shall consist of Alachua,
 57 Bradford, Columbia, Dixie, Gilchrist, Hamilton, Lafayette, Levy,
 58 Putnam, Suwannee, and Union Counties.
- 59 5. Trauma service area 5 shall consist of Baker, Clay,
 60 Duval, Nassau, and St. Johns Counties.
- 61 6. Trauma service area 6 shall consist of Citrus,
 62 Hernando, and Marion Counties.
- 63 7. Trauma service area 7 shall consist of Flagler and
 64 Volusia Counties.
- 65 8. Trauma service area 8 shall consist of Lake, Orange,
 66 Osceola, Seminole, and Sumter Counties.
- 67 9. Trauma service area 9 shall consist of Pasco and
 68 Pinellas Counties.
- 69 10. Trauma service area 10 shall consist of Hillsborough
 70 County.
- 71 11. Trauma service area 11 shall consist of Hardee,
 72 Highlands, and Polk Counties.
- 73 12. Trauma service area 12 shall consist of Brevard and
 74 Indian River Counties.
- 75 13. Trauma service area 13 shall consist of DeSoto,

76 Manatee, and Sarasota Counties.

77 14. Trauma service area 14 shall consist of Martin,
78 Okeechobee, and St. Lucie Counties.

79 15. Trauma service area 15 shall consist of Charlotte,
80 Glades, Hendry, and Lee Counties.

81 16. Trauma service area 16 shall consist of Palm Beach
82 County.

83 17. Trauma service area 17 shall consist of Collier
84 County.

85 18. Trauma service area 18 shall consist of Broward
86 County.

87 19. Trauma service area 19 shall consist of Miami-Dade and
88 Monroe Counties.

89 (b) Each trauma service area should have at least one
90 Level I or Level II trauma center. In any trauma service area in
91 which the population is greater than 1.25 million, there is
92 determined to be a need for a minimum of two Level I or Level II
93 adult trauma centers, or a combination thereof. In any trauma
94 service area in which the population is greater than 2.5
95 million, there is determined to be a need for a minimum of four
96 Level I or Level II adult trauma centers, or a combination
97 thereof. The department shall allocate, by rule, the number of
98 trauma centers needed for each trauma service area. The
99 department is authorized to allocate in such rule additional

100 need for trauma centers above the minimum set forth in this
101 paragraph.

102 ~~(c) There shall be no more than a total of 44 trauma~~
103 ~~centers in the state.~~

104 Section 2. Subsections (5) and (7) of section 395.4025,
105 Florida Statutes, are amended, and subsection (15) is added to
106 that section, to read:

107 395.4025 Trauma centers; selection; quality assurance;
108 records.—

109 (5) Beginning October 1 of each year and ending no later
110 than June 1 of the following year, a review team of out-of-state
111 experts assembled by the department shall make onsite visits to
112 all provisional trauma centers. The department shall develop a
113 survey instrument to be used by the expert team of reviewers.
114 The instrument shall include objective criteria and guidelines
115 for reviewers based on existing trauma center standards such
116 that all trauma centers are assessed equally. The survey
117 instrument shall also include a uniform rating system that will
118 be used by reviewers to indicate the degree of compliance of
119 each trauma center with specific standards, and to indicate the
120 quality of care provided by each trauma center as determined
121 through an audit of patient charts. In addition, hospitals being
122 considered as provisional trauma centers shall meet all the
123 requirements of a trauma center and shall be located in a trauma
124 service area that has a need for such a trauma center. For

125 purposes of this section, in any trauma service area in which
126 the population is greater than 1.25 million, there is determined
127 to be a need for a minimum of two Level I or Level II adult
128 trauma centers, or a combination thereof. In any trauma service
129 area in which the population is greater than 2.5 million, there
130 is determined to be a need for a minimum of four Level I or
131 Level II adult trauma centers, or a combination thereof.

132 (7) Only a ~~Any~~ hospital in the same trauma service area or
133 in a trauma service area contiguous to the trauma service area
134 where the applicant has applied to locate a trauma center may
135 ~~that wishes to~~ protest a decision made by the department ~~based~~
136 ~~on the department's preliminary or in-depth review of~~
137 ~~applications or on the recommendations of the site visit review~~
138 ~~team pursuant to this section shall proceed as provided in~~
139 ~~chapter 120.~~ Hearings held under this subsection shall be
140 conducted in the same manner as provided in ss. 120.569 and
141 120.57. Cases filed under chapter 120 may combine all disputes
142 between parties.

143 (15) (a) A trauma center that was verified by the
144 department before December 15, 2017, is deemed to have met the
145 trauma center application and operational requirements of this
146 section.

147 (b) A trauma center that was not verified by the
148 department before December 15, 2017, but that was provisionally
149 approved by the department to be in substantial compliance with

150 Level II trauma standards before January 1, 2017, and is
151 operating as a Level II trauma center is deemed to have met the
152 application and operational requirements of this section for a
153 trauma center.

154 (c) A trauma center that was not verified by the
155 department before December 15, 2017, as a Level I trauma center
156 but that was provisionally approved by the department to be in
157 substantial compliance with Level I trauma standards before
158 January 1, 2017, and is operating as a Level I trauma center is
159 deemed to have met the application and operational requirements
160 of this section for a Level I trauma center.

161 (d) A trauma center that was not verified by the
162 department before December 15, 2017, as a pediatric trauma
163 center but that was provisionally approved by the department to
164 be in substantial compliance with the pediatric trauma standards
165 established by rule before January 1, 2018, and is operating as
166 a pediatric trauma center is deemed to have met the application
167 and operational requirements of this section for a pediatric
168 trauma center.

169 (e) Any hospital operating as a Level II trauma center
170 after January 1, 2017, must be designated by the department as a
171 Level II trauma center if all of the following apply:

172 1. The hospital was provisionally approved after January
173 1, 2017, to operate as a Level II trauma center.

174 2. The department's decision to approve the hospital to
175 operate a provisional Level II trauma center was pending in
176 litigation on or before January 1, 2018;

177 3. The hospital has received a final recommended order
178 from the Division of Administrative Hearings, a final
179 determination from the department, or an order from a court of
180 competent jurisdiction that it was entitled to be designated as
181 a Level II trauma center; and

182 4. The department determines that the hospital is in
183 substantial compliance with the Level II trauma center
184 standards.

185 Section 3. This act shall take effect upon becoming a law.