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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 922 Session of  
2009

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INTRODUCED BY KITCHEN, WASHINGTON, TARTAGLIONE, FONTANA, HUGHES,  
DINNIMAN AND WILLIAMS, JUNE 5, 2009

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AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,  
OCTOBER 6, 2010

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AN ACT

**SECTION THAT APPLIES TO PTSF AND LEVEL III FUNDING**

ARTICLE VIII-H

PENNSYLVANIA TRAUMA SYSTEMS STABILIZATION

SECTION 801-H. SCOPE OF ARTICLE.

THIS ARTICLE RELATES TO PENNSYLVANIA TRAUMA SYSTEMS  
STABILIZATION.

SECTION 802-H. DEFINITIONS.

THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ARTICLE  
SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE  
CONTEXT CLEARLY INDICATES OTHERWISE:

"COMPREHENSIVE EMERGENCY SERVICES." THE CAPACITY OF A  
HOSPITAL EMERGENCY DEPARTMENT TO MAINTAIN STAFF AND PROVIDE  
IMMEDIATE AND ADVANCED CARE FOR PENNSYLVANIA PATIENTS WHO  
REQUIRE TRAUMA CARE TREATMENT 24 HOURS PER DAY AND SEVEN DAYS  
PER WEEK BASED ON THE AVAILABILITY OF THE FOLLOWING SERVICES:

(1) AT LEAST TWO QUALIFIED PHYSICIANS TO STAFF THE

EMERGENCY DEPARTMENT DURING PERIODS OF PEAK UTILIZATION.

(2) AT LEAST ONE REGISTERED NURSE OR TECHNICIAN WITH SPECIALIZED TRAINING IN ADVANCED LIFE SUPPORT TECHNIQUES.

(3) ANESTHESIA SERVICES AT ALL TIMES.

(4) PHYSICIAN SPECIALISTS WHO CAN IMMEDIATELY CONSULT BY TELEPHONE OR RADIO AND CAN REPORT IMMEDIATELY TO THE HOSPITAL EMERGENCY DEPARTMENT AS NEEDED.

(5) ANCILLARY SERVICES, SUCH AS LABORATORY, RADIOLOGY, PHARMACY AND RESPIRATORY THERAPY, AT ALL TIMES, WITH APPROPRIATE PERSONNEL WHO CAN REPORT IMMEDIATELY TO THE HOSPITAL EMERGENCY DEPARTMENT AS NEEDED.

"FOUNDATION." THE PENNSYLVANIA TRAUMA SYSTEMS FOUNDATION AS DEFINED IN 35 PA.C.S. § 8103 (RELATING TO DEFINITIONS).

"HOSPITAL." AN ENTITY LOCATED IN THIS COMMONWEALTH THAT IS LICENSED AS A HOSPITAL UNDER THE ACT OF JULY 19, 1979 (P.L.130, NO.48), KNOWN AS THE HEALTH CARE FACILITIES ACT, OR AN OUT-OF-STATE HOSPITAL LICENSED BY ITS HOME STATE.

"TRAUMA CARE." MEDICAL SERVICES PROVIDED TO AN INDIVIDUAL WITH A SEVERE, LIFE-THREATENING INJURY WHICH IS LIKELY TO PRODUCE MORTALITY OR PERMANENT DISABILITY.

"TRAUMA CENTER." INCLUDES:

(1) A HOSPITAL ACCREDITED AS A LEVEL I, LEVEL II OR LEVEL III TRAUMA CENTER BY THE PENNSYLVANIA TRAUMA SYSTEMS FOUNDATION IN ACCORDANCE WITH THIS ARTICLE AND 35 PA.C.S. § 8107 (RELATING TO PENNSYLVANIA TRAUMA SYSTEMS FOUNDATION).

(2) AN OUT-OF-STATE HOSPITAL THAT QUALIFIES AS A TRAUMA CENTER UNDER THE STATE PLAN FOR MEDICAL ASSISTANCE AND:

(I) HAS PAID TO THE FOUNDATION THE ANNUAL PARTICIPATION FEES THAT WOULD BE DUE IF IT WERE TO OBTAIN ACCREDITATION FROM THE FOUNDATION; AND

(II) HAS SUBMITTED TO THE FOUNDATION ON AN ANNUAL BASIS:

(A) THE CLINICAL PATIENT DATA THAT THE HOSPITAL SUBMITS TO THE NATIONAL TRAUMA DATABASE REGARDING PENNSYLVANIA RESIDENTS WHO RECEIVE TRAUMA SERVICES FROM THE HOSPITAL; AND

(B) THE INFORMATION NECESSARY TO CALCULATE THE SUPPLEMENTAL PAYMENT REFERENCED IN SECTION 805-H AS PROVIDED IN THE STATE PLAN FOR MEDICAL ASSISTANCE.

"TRAVEL DISTANCE." THE DISTANCE TRAVELED BY A MOTOR VEHICLE ON PAVED PUBLIC ROADS HAVING AT LEAST TWO DRIVING LANES OF WIDTH AND ON WHICH A MOTOR VEHICLE WOULD REASONABLY TRAVEL IN THE TRANSPORT OF PATIENTS.

SECTION 803-H. ACCREDITATION OF LEVEL III TRAUMA CENTERS.

(A) STANDARDS.--THE FOUNDATION SHALL ACCREDIT LEVEL III TRAUMA CENTERS IN ACCORDANCE WITH ESTABLISHED STANDARDS, WHICH SHALL BE BASED UPON THE CURRENT GUIDELINES FOR TRAUMA CENTERS AS DEFINED BY THE AMERICAN COLLEGE OF SURGEONS FOR LEVEL III TRAUMA CENTERS. THE ACCREDITATION PROCESS SHALL BE CONDUCTED IN COMPLIANCE WITH 35 PA.C.S. § 8107 (RELATING TO PENNSYLVANIA TRAUMA SYSTEMS FOUNDATION).

(B) ADDITIONAL REQUIREMENTS.--IN ADDITION TO THE LEVEL III STANDARDS ESTABLISHED BY THE FOUNDATION UNDER SUBSECTION (A), A HOSPITAL MUST MEET ALL OF THE FOLLOWING CRITERIA TO QUALIFY FOR LEVEL III ACCREDITATION:

(1) PROVIDE COMPREHENSIVE EMERGENCY SERVICES.

(2) TOTAL ON AN ANNUAL BASIS AT LEAST 4,000 INPATIENT ADMISSIONS FROM ITS EMERGENCY DEPARTMENT.

(3) BE LOCATED IN A THIRD TO EIGHTH CLASS COUNTY.

(4) BE LOCATED MORE THAN 25 MILES OF TRAVEL DISTANCE

ESTABLISHED BY ROADWAYS FROM A LEVEL I, LEVEL II OR LEVEL III TRAUMA CENTER.

THE REQUIREMENTS OF PARAGRAPH (3) AND (4) SHALL NOT APPLY TO LEVEL III TRAUMA CENTERS ACCREDITED OR **SEEKING ACCREDITATION** AS OF THE EFFECTIVE DATE OF THIS SUBSECTION.

(C) SUBMISSION OF APPLICATION REQUIRED.--TO BE ELIGIBLE FOR ACCREDITATION AS A LEVEL III TRAUMA CENTER AND TO QUALIFY FOR FUNDS UNDER THIS ARTICLE, A HOSPITAL MUST SUBMIT AN APPLICATION TO THE FOUNDATION FOR THE PURPOSE OF DETERMINING COMPLIANCE WITH THE CRITERIA UNDER SUBSECTION (B).

(D) REVIEW OF APPLICATION.--WITHIN 120 DAYS OF THE RECEIPT OF AN APPLICATION, THE FOUNDATION SHALL COMPLETE ITS REVIEW OF THE APPLICATION TO DETERMINE COMPLIANCE WITH THE CRITERIA UNDER SUBSECTION (B). NO LATER THAN 240 DAYS FROM THE COMPLETION OF A SITE SURVEY, THE FOUNDATION SHALL GRANT OR DENY A CERTIFICATE TO THOSE HOSPITALS SEEKING TO BE ACCREDITED AS LEVEL III TRAUMA CENTERS.

(E) OTHER TRAUMA CENTER REFERENCES.--A LEVEL III TRAUMA CENTER ACCREDITED UNDER THIS ARTICLE SHALL NOT BE CONSIDERED AN ACCREDITED TRAUMA CENTER FOR PURPOSES OF ANY OTHER ACT.

SECTION 804-H. SUBMISSION OF LIST.

(A) LEVEL I AND LEVEL II TRAUMA CENTERS.--THE FOUNDATION SHALL ANNUALLY SUBMIT TO THE DEPARTMENT ITS LIST OF ACCREDITED LEVEL I AND LEVEL II TRAUMA CENTERS WITH UPDATES AS NECESSARY. THE LIST SHALL INCLUDE ALL LEVEL I AND LEVEL II TRAUMA CENTERS AS DEFINED UNDER THIS ARTICLE.

(B) LEVEL III TRAUMA CENTERS.--WITHIN 15 DAYS OF THE INITIAL APPROVAL OF AN ACCREDITED LEVEL III TRAUMA CENTER UNDER SECTION 803-H(D), THE FOUNDATION SHALL SUBMIT THAT INFORMATION TO THE DEPARTMENT. THE FOUNDATION SHALL MAINTAIN A COMPLETE LIST OF ALL

ACCREDITED LEVEL III TRAUMA CENTERS AND PROVIDE THE LIST TO THE DEPARTMENT ON AN ANNUAL BASIS WITH UPDATES AS NECESSARY.

SECTION 805-H. FUNDING.

(A) DISTRIBUTION.--EFFECTIVE FOR FISCAL YEAR 2008-2009 AND EACH YEAR THEREAFTER, THE DEPARTMENT SHALL DISTRIBUTE ANNUALLY FROM AVAILABLE FUNDS APPROPRIATED FOR THIS PURPOSE A SUPPLEMENTAL PAYMENT TO EACH ACCREDITED LEVEL I OR LEVEL II TRAUMA CENTER OR EACH LEVEL III TRAUMA CENTER OR HOSPITAL SEEKING LEVEL III ACCREDITATION AS PROVIDED IN SECTION 803-H(B) FOR THE PURPOSE OF IMPROVING ACCESS TO READILY AVAILABLE AND COORDINATED TRAUMA CARE FOR THE CITIZENS OF THIS COMMONWEALTH.

(B) FUNDING.--THE DEPARTMENT SHALL SEEK TO MAXIMIZE ANY FEDERAL FUNDS, INCLUDING FUNDS OBTAINED PURSUANT TO TITLE XIX OF THE SOCIAL SECURITY ACT (49 STAT. 620, 42 U.S.C. § 1396 ET SEQ.) AVAILABLE FOR TRAUMA CARE STABILIZATION.

(C) PAYMENT CALCULATION.--

(1) PAYMENT SHALL BE ALLOCATED AS FOLLOWS:

(I) NINETY PERCENT OF AVAILABLE FUNDS SHALL BE ALLOCATED TO ACCREDITED LEVEL I AND LEVEL II TRAUMA CENTERS.

(II) THE REMAINING 10% SHALL BE ALLOCATED TO HOSPITALS ACCREDITED AS LEVEL III TRAUMA CENTERS AND HOSPITALS SEEKING LEVEL III ACCREDITATION FOR UP TO FOUR YEARS WITH DOCUMENTED EVIDENCE OF PROGRESSION TOWARD ACCREDITATION AND ACHIEVEMENT OF BENCHMARKS AS VERIFIED AND ESTABLISHED BY THE FOUNDATION IN COLLABORATION WITH THE DEPARTMENT.

(2) PAYMENT TO EACH QUALIFYING LEVEL I OR LEVEL II TRAUMA CENTER SHALL BE CALCULATED USING DATA PROVIDED BY THE FOUNDATION AS FOLLOWS:

(I) FIFTY PERCENT OF THE TOTAL AMOUNT AVAILABLE FOR LEVEL I AND LEVEL II TRAUMA CENTERS SHALL BE ALLOCATED EQUALLY AMONG LEVEL I AND LEVEL II TRAUMA CENTERS.

(II) FIFTY PERCENT OF THE TOTAL AMOUNT AVAILABLE FOR LEVEL I AND LEVEL II TRAUMA CENTERS SHALL BE ALLOCATED ON THE BASIS OF EACH TRAUMA CENTER'S PERCENTAGE OF MEDICAL ASSISTANCE AND UNINSURED TRAUMA CASES AND PATIENT DAYS COMPARED TO THE STATEWIDE TOTAL NUMBER OF MEDICAL ASSISTANCE AND UNINSURED TRAUMA CASES AND PATIENT DAYS FOR ALL LEVEL I AND LEVEL II TRAUMA CENTERS.

(3) SUBJECT TO PARAGRAPH (4), PAYMENT TO EACH QUALIFYING HOSPITAL ACCREDITED OR SEEKING ACCREDITATION AS A LEVEL III TRAUMA CENTER SHALL BE CALCULATED USING THE INFORMATION AND DATA PROVIDED BY THE FOUNDATION AS FOLLOWS:

(I) FIFTY PERCENT OF THE TOTAL AMOUNT AVAILABLE FOR LEVEL III TRAUMA CENTERS SHALL BE ALLOCATED EQUALLY AMONG ALL LEVEL III TRAUMA CENTERS.

(II) FIFTY PERCENT OF THE TOTAL AMOUNT AVAILABLE FOR LEVEL III TRAUMA CENTERS SHALL BE ALLOCATED ON THE BASIS OF EACH TRAUMA CENTER'S PERCENTAGE OF MEDICAL ASSISTANCE AND UNINSURED TRAUMA CASES AND PATIENT DAYS COMPARED TO THE STATEWIDE TOTAL NUMBER OF MEDICAL ASSISTANCE AND UNINSURED TRAUMA CASES AND PATIENT DAYS FOR ALL LEVEL III TRAUMA CENTERS.

(4) PAYMENT TO EACH QUALIFYING HOSPITAL ACCREDITED AS A LEVEL III MAY NOT BE GREATER THAN 50% OF THE AVERAGE STATEWIDE ANNUAL PAYMENT TO A LEVEL II TRAUMA CENTER AS DETERMINED IN THE METHODOLOGY DESCRIBED IN PARAGRAPH (2).

(D) OUT-OF-STATE TRAUMA CENTERS.--ANY HOSPITAL WITH A LEVEL I OR LEVEL II TRAUMA CENTER NOT LICENSED IN THIS COMMONWEALTH

SHALL BE ELIGIBLE FOR PAYMENT UNDER THIS ARTICLE IF IT MEETS THE DEFINITION OF "TRAUMA CENTER" IN SECTION 802-H.

SECTION 806-H. NOTIFICATION OF TRAUMA CENTER CLOSURE.

A HOSPITAL THAT RECEIVES FUNDS PURSUANT TO THIS ARTICLE SHALL NOTIFY THE DEPARTMENT, THE FOUNDATION AND THE DEPARTMENT OF HEALTH OF ITS INTENT TO CEASE OPERATION OF ITS TRAUMA CENTER NO LATER THAN 60 DAYS PRIOR TO CLOSURE OF THAT TRAUMA CENTER.

SECTION 807-H. REPORTING.

(A) GENERAL RULE.--ON MARCH 1, 2011, AND ANNUALLY THEREAFTER, THE DEPARTMENT SHALL REPORT TO THE PUBLIC HEALTH AND WELFARE COMMITTEE OF THE SENATE AND THE HEALTH AND HUMAN SERVICES COMMITTEE OF THE HOUSE OF REPRESENTATIVES ON THE TRAUMA CENTERS FUNDED UNDER THIS ARTICLE.

(B) CONTENTS OF REPORT.--THE REPORT SHALL DO ALL OF THE FOLLOWING:

- (1) IDENTIFY THE TRAUMA CENTERS RECEIVING FUNDS.
- (2) STATE THE AMOUNT RECEIVED AND THE NUMBER OF INDIVIDUALS SERVED.
- (3) MAKE ANY RECOMMENDATIONS FOR IMPROVEMENTS IN THIS ARTICLE WHICH FURTHER PROMOTE THE AVAILABILITY OF TRAUMA CARE SERVICES TO THE CITIZENS OF THIS COMMONWEALTH.

SECTION 808-H. CERTIFICATION AND FINANCIAL REPORT.

(A) CERTIFICATION.--BEFORE FUNDS ARE PROVIDED, A TRAUMA CENTER QUALIFYING FOR FUNDS UNDER THIS ARTICLE SHALL CERTIFY THAT THE FUNDS ARE INTENDED TO BE USED FOR DEVELOPING AND PROVIDING FOR THE AVAILABILITY OF AND ACCESS TO TRAUMA CARE FOR PENNSYLVANIA RESIDENTS.

(B) REPORT.--EACH TRAUMA CENTER WHICH RECEIVES FUNDS UNDER THIS ARTICLE SHALL REPORT TO THE DEPARTMENT THE FOLLOWING:

- (1) AN EXPENDITURE REPORT SIX MONTHS AFTER THE END OF

THE FISCAL YEAR ACCOUNTING FOR HOW THE FUNDS WERE SPENT.

(2) THE AMOUNT RECEIVED AND THE NUMBER OF INDIVIDUALS SERVED.

(3) HOW FUNDS RECEIVED THROUGH THIS ARTICLE IMPROVED ACCESS TO TRAUMA CARE FOR PENNSYLVANIA RESIDENTS.

SECTION 7 6. THE ADDITION OF ARTICLE VIII-H OF THE ACT IS A CONTINUATION OF THE ACT OF MARCH 24, 2004 (P.L.148, NO.15), KNOWN AS THE PENNSYLVANIA TRAUMA SYSTEMS STABILIZATION ACT. THE FOLLOWING APPLY:

(1) EXCEPT AS OTHERWISE PROVIDED IN ARTICLE VIII-H OF THE ACT, ALL ACTIVITIES INITIATED UNDER THE PENNSYLVANIA TRAUMA SYSTEMS STABILIZATION ACT SHALL CONTINUE AND REMAIN IN FULL FORCE AND EFFECT AND MAY BE COMPLETED UNDER ARTICLE VIII-H OF THE ACT. RESOLUTIONS, ORDERS, REGULATIONS, RULES AND DECISIONS WHICH WERE MADE UNDER THE PENNSYLVANIA TRAUMA SYSTEMS STABILIZATION ACT AND WHICH ARE IN EFFECT ON THE EFFECTIVE DATE OF THIS SECTION SHALL REMAIN IN FULL FORCE AND EFFECT UNTIL REVOKED, VACATED OR MODIFIED UNDER ARTICLE VIII-H OF THE ACT. CONTRACTS, OBLIGATIONS AND AGREEMENTS ENTERED INTO UNDER THE PENNSYLVANIA TRAUMA SYSTEMS STABILIZATION ACT ARE NOT AFFECTED NOR IMPAIRED BY THE REPEAL OF THE PENNSYLVANIA TRAUMA SYSTEMS STABILIZATION ACT.

(2) EXCEPT AS SET FORTH IN PARAGRAPH (3), ANY DIFFERENCE IN LANGUAGE BETWEEN ARTICLE VIII-H OF THE ACT AND THE PENNSYLVANIA TRAUMA SYSTEMS STABILIZATION ACT IS INTENDED ONLY TO CONFORM TO THE STYLE OF THE ACT OF JUNE 13, 1967 (P.L.31, NO.21), KNOWN AS THE PUBLIC WELFARE CODE, AND IS NOT INTENDED TO CHANGE OR AFFECT THE LEGISLATIVE INTENT, JUDICIAL CONSTRUCTION OR ADMINISTRATIVE INTERPRETATION AND IMPLEMENTATION OF THE PENNSYLVANIA TRAUMA SYSTEMS



STABILIZATION ACT.

(3) PARAGRAPH (2) DOES NOT APPLY TO THE FOLLOWING:

(I) THE ADDITION OF THE DEFINITIONS OF "COMPREHENSIVE EMERGENCY SERVICES," "HOSPITAL," "TRAUMA CENTER" AND "TRAVEL DISTANCE" IN SECTION 802-H OF THE ACT.

(II) THE ADDITION OF SECTIONS 803-H(B), (C) AND (D), 804-H(A), 805-H(A), (C) AND (D) AND 808-H OF THE ACT.

SECTION ~~8~~ 7. REPEALS ARE AS FOLLOWS:

(1) THE GENERAL ASSEMBLY DECLARES THAT THE REPEAL UNDER PARAGRAPH (2) IS NECESSARY TO EFFECTUATE THE ADDITION OF ARTICLE VIII-H OF THE ACT.

(2) THE ACT OF MARCH 24, 2004 (P.L.148, NO.15), KNOWN AS THE PENNSYLVANIA TRAUMA SYSTEMS STABILIZATION ACT, IS REPEALED.

Section ~~5~~ ~~6~~ ~~9~~ 8. This act shall take effect immediately.