
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 100 Session of
2003

INTRODUCED BY SCHRODER, BUXTON, BARD, BEBKO-JONES, BELARDI,
BELFANTI, BISHOP, BROWNE, CIVERA, CLYMER, CORNELL, COY, CRUZ,
CURRY, DAILEY, DALEY, DIGIROLAMO, EACHUS, FICHTER, FLICK,
FRANKEL, GEIST, GEORGE, GODSHALL, HARHAI, HARHART, HENNESSEY,
HERSHEY, JAMES, KIRKLAND, LEDERER, LEH, MANDERINO, MANN,
McILHINNEY, McNAUGHTON, MELIO, MICOZZIE, MUNDY, PAYNE,
PISTELLA, READSHAW, ROBERTS, ROSS, RUBLEY, SATHER, SAYLOR,
B. SMITH, STABACK, R. STEVENSON, STURLA, TANGRETTI,
E. Z. TAYLOR, THOMAS, TIGUE, TRUE, WATSON, WHEATLEY,
WOJNAROSKI, WRIGHT, YOUNGBLOOD, YUDICHAK, WEBER, JOSEPHS,
REICHLEY AND PICKETT, FEBRUARY 12, 2003

SENATOR THOMPSON, APPROPRIATIONS, IN SENATE, RE-REPORTED AS
AMENDED, MARCH 15, 2004

AN ACT

1 Providing for the availability of and access to a comprehensive
2 trauma care system; and imposing powers and duties upon the
3 Department of Public Welfare.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Short title.

7 This act shall be known and may be cited as the Pennsylvania
8 Trauma Systems Stabilization Act.

9 ~~Section 2. Definitions.~~

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10 ~~The following words and phrases when used in this act shall~~
11 ~~have the meanings given to them in this section unless the~~
12 ~~context clearly indicates otherwise:~~

~~"Department." The Department of Public Welfare of the Commonwealth.~~

~~"Pennsylvania Trauma Systems Foundation." As defined under the act of July 3, 1985 (P.L.164, No.45), known as the Emergency Medical Services Act.~~

~~"Secretary." The Secretary of Public Welfare of the Commonwealth.~~

~~"Trauma care." Medical services provided to a person with severe multisystem or unisystem injury, which injury has the potential to produce mortality or major disability.~~

~~"Trauma center." A hospital accredited as a trauma center by the Pennsylvania Trauma System Foundation.~~

~~Section 3. Funding.~~

~~(a) Distribution.~~

~~(1) Effective for fiscal year 2003-2004 and each year thereafter, upon Federal approval of an amendment to the Medicaid State plan, the department shall distribute annually from funds appropriated for this purpose disproportionate share payments to accredited trauma centers in this Commonwealth to provide financial assistance to assure readily available and coordinated trauma care of the highest quality to the citizens of this Commonwealth.~~

~~(2) Effective July 1, 2004, and annually thereafter, the secretary may evaluate the funds available and may make appropriate adjustments based on the number of accredited trauma centers and changes in the additional costs required to operate an accredited trauma center.~~

~~(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.)~~

1 ~~available for trauma care stabilization.~~

2 ~~(c) Payment calculation.~~

3 ~~(1) Payment to qualified hospitals shall be allocated~~
4 ~~according to the following:~~

5 ~~(i) Ninety percent of available funds shall be~~
6 ~~allocated to hospitals accredited as Level I and Level II~~
7 ~~trauma centers.~~

8 ~~(ii) The remaining 10% to hospitals accredited as~~
9 ~~Level III.~~

10 ~~(2) Payment to each qualifying hospital accredited as a~~
11 ~~Level I or Level II shall be calculated using data provided~~
12 ~~by the Pennsylvania Trauma Systems Foundation as follows:~~

13 ~~(i) Fifty percent of the total amount available for~~
14 ~~Level I and Level II trauma centers shall be allocated~~
15 ~~equally among each Level I and Level II trauma center.~~

16 ~~(ii) Fifty percent of the total amount available for~~
17 ~~Level I and Level II trauma centers shall be allocated on~~
18 ~~the basis of each trauma center's percentage of medical~~
19 ~~assistance and uninsured trauma cases and patient days~~
20 ~~compared to the Statewide total number of medical~~
21 ~~assistance and uninsured trauma cases and patient days~~
22 ~~for all Level I and Level II trauma centers.~~

23 ~~(3) Subject to the provisions of paragraph (4), payment~~
24 ~~to each qualifying hospital accredited as a Level III shall~~
25 ~~be calculated using data provided by the Pennsylvania Trauma~~
26 ~~Systems Foundation as follows:~~

27 ~~(i) Fifty percent of the total amount available for~~
28 ~~Level III trauma centers shall be allocated equally among~~
29 ~~each Level III trauma center.~~

30 ~~(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).~~

~~Section 4. Reporting.~~

~~(a) General rule. The department shall annually report to the Public Health and Welfare Committee of the Senate and the Banking and Insurance Committee of the Senate and the Health and Human Services Committee of the House of Representatives and the Insurance Committee of the House of Representatives on the trauma centers funded under this act.~~

~~(b) Contents of report. The report shall identify the trauma centers receiving funds, the amount received, the number of persons served and any other information that should be brought to the attention of the General Assembly on the availability of trauma care services to the citizens of this Commonwealth.~~

~~Section 5. Standards for Level III trauma centers.~~

~~(a) General rule. The Pennsylvania Trauma Systems Foundation shall establish standards for and accredit Level III trauma centers. The standards shall provide that Level III trauma centers at a minimum must meet BE BASED UPON the current guidelines for trauma centers as defined by the American College of Surgeons.~~

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~~(b) Letter of intent required. To qualify for funds under this act eligible hospitals must provide a letter of intent to the secretary and the Pennsylvania Trauma Systems Foundation to apply for accreditation within 180 days of the effective date of this act.~~

~~(c) Definition. For purposes of this section and until the Pennsylvania Trauma Systems Foundation establishes Level III standards, a trauma center is defined as a hospital with comprehensive emergency services according to the Department of Health's annual licensure survey as of June 30, 2002, located in a county without an accredited Level I or Level II trauma center and not within 25 miles travel distance from a Level I or a Level II trauma center.~~

~~SECTION 6. REVIEW OF LEVEL III TRAUMA CENTERS.~~

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~~WITHIN FIVE YEARS AFTER THE EFFECTIVE DATE OF THIS ACT, THE PENNSYLVANIA TRAUMA SYSTEMS FOUNDATION SHALL REASSESS THE IMPACT OF LEVEL III TRAUMA CENTERS IN PENNSYLVANIA WITH RESPECT TO PATIENT OUTCOMES AND THE IMPACT OF LEVEL III TRAUMA CENTERS ON THE TRAUMA SYSTEM AS A WHOLE. THE REPORT WITH RECOMMENDATIONS SHALL BE FORWARDED TO THE SECRETARY OF HEALTH, THE PUBLIC HEALTH AND WELFARE COMMITTEE OF THE SENATE AND THE HEALTH AND HUMAN SERVICES COMMITTEE OF THE HOUSE OF REPRESENTATIVES.~~

~~Section 6 7. Effective date.~~

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~~This act shall take effect immediately.~~

~~SECTION 2. DEFINITIONS.~~

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~~THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ACT 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~~

1 IMMEDIATE AND ADVANCED CARE FOR ALL PATIENTS WHO REQUIRE TRAUMA
2 CARE TREATMENT 24 HOURS PER DAY AND SEVEN DAYS PER WEEK, BASED
3 ON THE AVAILABILITY OF THE FOLLOWING SERVICES:

4 (1) AT LEAST TWO QUALIFIED PHYSICIANS TO STAFF THE
5 EMERGENCY DEPARTMENT DURING PERIODS OF PEAK UTILIZATION.

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

8 (3) ANESTHESIA SERVICES AT ALL TIMES.

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

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

16 "DEPARTMENT." THE DEPARTMENT OF PUBLIC WELFARE OF THE
17 COMMONWEALTH.

18 "FOUNDATION." THE PENNSYLVANIA TRAUMA SYSTEMS FOUNDATION, AS
19 DEFINED IN SECTION 3 OF THE ACT OF JULY 3, 1985 (P.L.164,
20 NO.45), KNOWN AS THE EMERGENCY MEDICAL SERVICES ACT.

21 "HOSPITAL." AN ENTITY LOCATED IN THIS COMMONWEALTH THAT IS
22 LICENSED AS A HOSPITAL UNDER THE ACT OF JULY 19, 1979 (P.L.130,
23 NO.48), KNOWN AS THE HEALTH CARE FACILITIES ACT.

24 "SECRETARY." THE SECRETARY OF PUBLIC WELFARE OF THE
25 COMMONWEALTH.

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

29 "TRAUMA CENTER." A HOSPITAL ACCREDITED AS A LEVEL I, LEVEL
30 II OR LEVEL III TRAUMA CENTER BY THE PENNSYLVANIA TRAUMA SYSTEM

1 FOUNDATION IN ACCORDANCE WITH THIS ACT AND SECTION 6 OF THE ACT
2 OF JULY 3, 1985 (P.L.164, NO.45), KNOWN AS THE EMERGENCY MEDICAL
3 SERVICES ACT.

4 SECTION 3. ACCREDITATION OF LEVEL III TRAUMA CENTERS.

5 (A) STANDARDS.--THE FOUNDATION SHALL ACCREDIT LEVEL III
6 TRAUMA CENTERS IN ACCORDANCE WITH ESTABLISHED STANDARDS, WHICH
7 SHALL BE BASED UPON THE CURRENT GUIDELINES FOR TRAUMA CENTERS AS
8 DEFINED BY THE AMERICAN COLLEGE OF SURGEONS FOR LEVEL III TRAUMA
9 CENTERS. THE ACCREDITATION PROCESS SHALL BE CONDUCTED IN
10 COMPLIANCE WITH SECTION 6 OF THE ACT OF JULY 3, 1985 (P.L.164,
11 NO.45), KNOWN AS THE EMERGENCY MEDICAL SERVICES ACT.

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

16 (1) PROVIDE COMPREHENSIVE EMERGENCY SERVICES.

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

19 (3) BE LOCATED IN A COUNTY WITH NO LEVEL I OR LEVEL II
20 TRAUMA CENTER.

21 (4) BE LOCATED MORE THAN 25 MILES TRAVEL DISTANCE FROM A
22 LEVEL I OR LEVEL II TRAUMA CENTER.

23 (C) SUBMISSION OF APPLICATION REQUIRED.--TO BE ELIGIBLE FOR
24 ACCREDITATION AS A LEVEL III TRAUMA CENTER AND TO QUALIFY FOR
25 FUNDS UNDER THIS ACT, AN ELIGIBLE HOSPITAL MUST SUBMIT AN
26 APPLICATION TO THE FOUNDATION FOR THE PURPOSE OF DETERMINING
27 COMPLIANCE WITH THE STANDARDS UNDER SUBSECTION (A) AND THE
28 CRITERIA UNDER SUBSECTION (B). NO LATER THAN 30 DAYS AFTER THE
29 EFFECTIVE DATE OF THIS SECTION, AN APPLICATION SHALL BE
30 DEVELOPED BY THE FOUNDATION AND MADE AVAILABLE TO ELIGIBLE

1 HOSPITAL APPLICANTS.

2 (D) REVIEW OF APPLICATION.--WITHIN 120 DAYS OF THE RECEIPT
3 OF AN APPLICATION, THE FOUNDATION SHALL COMPLETE ITS REVIEW OF
4 THE APPLICATION TO DETERMINE COMPLIANCE WITH THE STANDARDS UNDER
5 SUBSECTION (A) AND THE CRITERIA UNDER SUBSECTION (B). NO LATER
6 THAN 120 DAYS FROM THE COMPLETION OF THAT REVIEW, THE FOUNDATION
7 SHALL GRANT OR DENY A CERTIFICATE OF ACCREDITATION FOR THOSE
8 HOSPITALS SEEKING TO BE QUALIFIED AS LEVEL III TRAUMA CENTERS.

9 (E) REVIEW OF LEVEL III TRAUMA CENTERS.--NO LATER THAN FIVE
10 YEARS AFTER THE EFFECTIVE DATE OF THIS SECTION, THE FOUNDATION
11 SHALL REASSESS THE IMPACT OF LEVEL III TRAUMA CENTERS ON PATIENT
12 OUTCOMES AND ON THE TRAUMA SYSTEM AS A WHOLE. THE REPORT WITH
13 RECOMMENDATIONS SHALL BE FORWARDED TO THE SECRETARY OF HEALTH,
14 THE PUBLIC HEALTH AND WELFARE COMMITTEE OF THE SENATE AND THE
15 HEALTH AND HUMAN SERVICES COMMITTEE OF THE HOUSE OF
16 REPRESENTATIVES.

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

20 SECTION 4. SUBMISSION OF LIST.

21 (A) LEVEL I AND LEVEL II TRAUMA CENTERS.--WITHIN 30 DAYS OF
22 THE EFFECTIVE DATE OF THIS SECTION, AND ANNUALLY THEREAFTER, THE
23 FOUNDATION SHALL SUBMIT TO THE DEPARTMENT ITS LIST OF ACCREDITED
24 LEVEL I AND LEVEL II TRAUMA CENTERS, WITH UPDATES AS NECESSARY.

25 (B) LEVEL III TRAUMA CENTERS.--WITHIN 15 DAYS OF THE INITIAL
26 APPROVAL OF AN ACCREDITED LEVEL III TRAUMA CENTER UNDER SECTION
27 3(D), THE FOUNDATION SHALL SUBMIT THAT INFORMATION TO THE
28 DEPARTMENT. THE FOUNDATION SHALL MAINTAIN A COMPLETE LIST OF ALL
29 ACCREDITED LEVEL III TRAUMA CENTERS AND PROVIDE THE LIST TO THE
30 DEPARTMENT ON AN ANNUAL BASIS, WITH UPDATES AS NECESSARY.

1 SECTION 5. FUNDING.

2 (A) DISTRIBUTION.--EFFECTIVE FOR FISCAL YEAR 2003-2004 AND
3 EACH YEAR THEREAFTER, THE DEPARTMENT SHALL DISTRIBUTE ANNUALLY
4 FROM AVAILABLE FUNDS APPROPRIATED FOR THIS PURPOSE A
5 DISPROPORTIONATE SHARE PAYMENT TO EACH ACCREDITED LEVEL I, LEVEL
6 II OR LEVEL III TRAUMA CENTER FOR THE PURPOSE OF IMPROVING
7 ACCESS TO READILY AVAILABLE AND COORDINATED TRAUMA CARE FOR THE
8 CITIZENS OF THIS COMMONWEALTH.

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

13 (C) PAYMENT CALCULATION.--

14 (1) PAYMENT TO QUALIFIED HOSPITALS SHALL BE ALLOCATED AS
15 FOLLOWS:

16 (I) NINETY PERCENT OF AVAILABLE FUNDS SHALL BE
17 ALLOCATED TO HOSPITALS ACCREDITED AS LEVEL I AND LEVEL II
18 TRAUMA CENTERS.

19 (II) THE REMAINING 10% SHALL BE ALLOCATED TO
20 HOSPITALS ACCREDITED AS LEVEL III TRAUMA CENTERS.

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

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

27 (II) FIFTY PERCENT OF THE TOTAL AMOUNT AVAILABLE FOR
28 LEVEL I AND LEVEL II TRAUMA CENTERS SHALL BE ALLOCATED ON
29 THE BASIS OF EACH TRAUMA CENTER'S PERCENTAGE OF MEDICAL
30 ASSISTANCE AND UNINSURED TRAUMA CASES AND PATIENT DAYS

1 COMPARED TO THE STATEWIDE TOTAL NUMBER OF MEDICAL
2 ASSISTANCE AND UNINSURED TRAUMA CASES AND PATIENT DAYS
3 FOR ALL LEVEL I AND LEVEL II TRAUMA CENTERS.

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

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

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

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

22 SECTION 6. NOTIFICATION OF TRAUMA CENTER CLOSURE.

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

27 SECTION 7. REPORTING.

28 (A) GENERAL RULE.--ON MARCH 1, 2005, AND ANNUALLY
29 THEREAFTER, THE DEPARTMENT SHALL REPORT TO THE PUBLIC HEALTH AND
30 WELFARE COMMITTEE OF THE SENATE AND THE HEALTH AND HUMAN

1 SERVICES COMMITTEE OF THE HOUSE OF REPRESENTATIVES ON THE TRAUMA
2 CENTERS FUNDED UNDER THIS ACT.

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

5 (1) IDENTIFY THE TRAUMA CENTERS RECEIVING FUNDS.

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

8 (3) MAKE ANY RECOMMENDATIONS FOR IMPROVEMENTS IN THIS
9 ACT WHICH FURTHER PROMOTE THE AVAILABILITY OF TRAUMA CARE
10 SERVICES TO THE CITIZENS OF THIS COMMONWEALTH.

11 SECTION 8. TRANSITION PROVISIONS.

12 PENDING THE ISSUANCE OF A CERTIFICATE OF ACCREDITATION TO
13 LEVEL III TRAUMA CENTERS PURSUANT TO SECTION 3(D), THE
14 FOUNDATION SHALL VERIFY AND CERTIFY THAT A HOSPITAL PROVIDING
15 TRAUMA CARE MEETS THE CRITERIA SET FORTH IN SECTION 3(B) FOR
16 PURPOSES OF FUNDING PURSUANT TO SECTION 5(C). THIS SECTION SHALL
17 EXPIRE DECEMBER 31, 2004.

18 SECTION 9. REPEALS.

19 ALL ACTS AND PARTS OF ACTS ARE REPEALED INsofar AS THEY ARE
20 INCONSISTENT WITH THIS ACT.

21 SECTION 30. EFFECTIVE DATE.

22 THIS ACT SHALL TAKE EFFECT IMMEDIATELY.