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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 786 Session of  
2019

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INTRODUCED BY CUTLER, SCHLOSSBERG, RYAN, MILLARD, KAUFER,  
ZIMMERMAN, MADDEN AND HILL-EVANS, MARCH 12, 2019

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REFERRED TO COMMITTEE ON HEALTH, MARCH 12, 2019

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AN ACT

1 Amending Title 35 (Health and Safety) of the Pennsylvania  
2 Consolidated Statutes, in emergency medical services system,  
3 further providing for definitions and for Pennsylvania Trauma  
4 Systems Foundation, providing for accreditation of trauma  
5 centers, for submission of list, for funding, for  
6 notification of trauma center closure, for reporting and for  
7 certification and financial report; and making a related  
8 repeal.

9 The General Assembly of the Commonwealth of Pennsylvania  
10 hereby enacts as follows:

11 Section 1. Section 8103 of Title 35 of the Pennsylvania  
12 Consolidated Statutes is amended by adding definitions to read:  
13 § 8103. Definitions.

14 The following words and phrases when used in this chapter  
15 shall have the meanings given to them in this section unless the  
16 context clearly indicates otherwise:

17 \* \* \*

18 "Comprehensive emergency services." The capacity of a  
19 hospital emergency department to maintain staff and provide  
20 immediate and advanced care for Pennsylvania patients who  
21 require trauma care treatment 24 hours per day and seven days

1 per week based on the availability of the following services:

2 (1) At least two qualified physicians to staff the  
3 emergency department during periods of peak utilization.

4 (2) At least one registered nurse with specialized  
5 training in advanced life support techniques.

6 (3) Anesthesia services at all times.

7 (4) Physician specialists who can immediately consult by  
8 telephone or radio and can report immediately to the hospital  
9 emergency department as needed.

10 (5) Ancillary services, such as laboratory, radiology,  
11 pharmacy and respiratory therapy, at all times, with  
12 appropriate personnel who can report immediately to the  
13 hospital emergency department as needed.

14 \* \* \*

15 "Trauma care." Medical services provided to an individual  
16 with a severe, life-threatening injury that is likely to result  
17 in mortality or permanent disability.

18 \* \* \*

19 "Travel distance." The distance traveled by a motor vehicle  
20 on paved public roads having at least two driving lanes of width  
21 and on which a motor vehicle would reasonably travel in the  
22 transport of patients.

23 Section 2. Section 8107(a)(1) of Title 35 is amended to  
24 read:

25 § 8107. Pennsylvania Trauma Systems Foundation.

26 (a) Trauma center accreditation.--The foundation shall  
27 develop a private voluntary accreditation program to:

28 (1) Establish standards for the operation of trauma  
29 centers that receive or seek to receive Commonwealth funds,  
30 adopting, at a minimum, current guidelines for trauma centers

1 defined by the American College of Surgeons. Additionally,  
2 Level III trauma centers shall meet accreditation criteria  
3 for Level III trauma centers imposed by the act of March 24,  
4 2004, (P.L.148, No.15), known as the Pennsylvania Trauma  
5 Systems Stabilization Act. For the purpose of  
6 reaccreditation, the standards shall require, at a minimum,  
7 that each adult Level I and Level II trauma center [establish  
8 that] treat at least 600 severe and urgent injury cases [have  
9 been treated] per year [and each Level II trauma center  
10 establish that 350 severe and urgent injury cases have been  
11 treated per year].

12 \* \* \*

13 Section 3. Title 35 is amended by adding sections to read:  
14 § 8107.1. Accreditation of trauma centers.

15 (a) Standards.--The foundation shall accredit Level III  
16 trauma centers by adopting, at a minimum, current guidelines  
17 defined by the American College of Surgeons for Level III trauma  
18 centers. The accreditation process shall be conducted in  
19 compliance with section 8107 (relating to Pennsylvania Trauma  
20 Systems Foundation).

21 (b) Additional requirements.--In addition to the Level III  
22 standards established by the foundation under subsection (a), a  
23 hospital must meet all of the following criteria to qualify for  
24 Level III accreditation:

25 (1) Provide comprehensive emergency services.

26 (2) Total on an annual basis at least 4,000 inpatient  
27 admissions from its emergency department.

28 (3) Be located in a third, fourth, fifth, sixth, seventh  
29 or eighth class county.

30 (4) Be located more than 25 miles of travel distance

1 established by roadways from a Level I, Level II or Level III  
2 trauma center.

3 (c) Submission of application required.--To be eligible for  
4 accreditation as a Level III trauma center and to qualify for  
5 funds under section 8107.3 (relating to funding), a hospital  
6 must comply with subsection (b) to submit an application to the  
7 foundation.

8 (d) Review of application.--Within 120 days of the receipt  
9 of an application, the foundation shall complete its review of  
10 the application to determine compliance with the criteria under  
11 subsection (b). No later than 240 days from the completion of a  
12 site survey, the foundation shall grant or deny a certificate to  
13 a hospital seeking to be accredited as a Level III trauma center  
14 under subsections (a) and (b).

15 (e) Additional accreditation criteria.--For a hospital that  
16 submits an application for Level I, Level II or Level III  
17 accreditation after the effective date of this subsection, the  
18 hospital shall be located more than 25 miles of travel distance  
19 established by roadways from a Level I, Level II or Level III  
20 trauma center. If a trauma center is accredited before the  
21 effective date of this subsection, and the accreditation is  
22 denied or voluntarily withdrawn, notwithstanding the reason, the  
23 trauma center shall be subject to the travel distance  
24 requirement under this section in the same manner as a trauma  
25 center that has never been accredited if the hospital reapplies  
26 for accreditation.

27 § 8107.2. Submission of list.

28 The foundation shall annually submit to the department its  
29 list of accredited Level I, II, III and IV trauma centers with  
30 updates as necessary. The list shall include all Level I and

1 Level II trauma centers as specified under this chapter.

2 § 8107.3. Funding.

3 (a) Distribution.--Beginning fiscal year 2008-2009 and each  
4 year thereafter, the department shall distribute annually, from  
5 available funds appropriated for this purpose, a supplemental  
6 payment to each accredited Level I or Level II trauma center or  
7 each Level III trauma center or hospital seeking Level III  
8 accreditation as provided in section 8107.1(b) (relating to  
9 accreditation of trauma centers) for the purpose of improving  
10 access to readily available and coordinated trauma care for the  
11 citizens of this Commonwealth.

12 (b) Funding.--The department shall seek to maximize any  
13 Federal funds, including funds obtained pursuant to Title XIX of  
14 the Social Security Act (49 Stat. 620, 42 U.S.C. § 1396 et seq.)  
15 available for trauma care stabilization.

16 (c) Payment calculation.--

17 (1) Payment shall be allocated as follows:

18 (i) Ninety percent of available funds shall be  
19 allocated to accredited Level I and Level II trauma  
20 centers.

21 (ii) Ten percent shall be allocated to hospitals  
22 accredited as Level III trauma centers and hospitals  
23 seeking Level III accreditation for up to four years with  
24 documented evidence of progression toward accreditation  
25 and achievement of benchmarks as verified and established  
26 by the foundation in collaboration with the department.  
27 Funds not distributed under this subsection by the end of  
28 a fiscal year may be used for the funding of Level IV  
29 trauma centers in rural counties, as defined by the  
30 Center for Rural Pennsylvania, in the next fiscal year

1 utilizing the same formula as for the Level III trauma  
2 centers.

3 (2) Payment to each qualifying Level I or Level II  
4 trauma center shall be calculated using data provided by the  
5 foundation as follows:

6 (i) Fifty percent of the total amount available for  
7 Level I and Level II trauma centers shall be allocated  
8 equally among Level I and Level II trauma centers.

9 (ii) Fifty percent of the total amount available for  
10 Level I and Level II trauma centers shall be allocated on  
11 the basis of each trauma center's percentage of medical  
12 assistance and uninsured trauma cases and patient days  
13 compared to the Statewide total number of medical  
14 assistance and uninsured trauma cases and patient days  
15 for all Level I and Level II trauma centers.

16 (3) Subject to paragraph (4), payment to each qualifying  
17 hospital accredited or seeking accreditation as a Level III  
18 trauma center shall be calculated using the information and  
19 data provided by the foundation as follows:

20 (i) Fifty percent of the total amount available for  
21 Level III trauma centers shall be allocated equally among  
22 all Level III trauma centers.

23 (ii) Fifty percent of the total amount available for  
24 Level III trauma centers shall be allocated on the basis  
25 of each trauma center's percentage of medical assistance  
26 and uninsured trauma cases and patient days compared to  
27 the Statewide total number of medical assistance and  
28 uninsured trauma cases and patient days for all Level III  
29 trauma centers.

30 (4) Payment to each qualifying hospital accredited as a

1 Level III may not be greater than 50% of the average  
2 Statewide annual payment to a Level I or Level II trauma  
3 center as determined in the methodology described in  
4 paragraph (2).

5 (d) Out-of-State trauma centers.--Any hospital with a Level  
6 I or Level II trauma center not licensed in this Commonwealth  
7 shall be eligible for payment under this section if it meets the  
8 definition of "trauma center" in section 8103 (relating to  
9 definitions).

10 § 8107.4. Notification of trauma center closure.

11 A hospital that receives funds under section 8107.3 (relating  
12 to funding) shall notify the department, the foundation and the  
13 Department of Health of its intent to cease operation of its  
14 trauma center no later than 60 days prior to closure of that  
15 trauma center.

16 § 8107.5. Reporting.

17 (a) General rule.--On March 1, 2011, and annually  
18 thereafter, the department shall report to the Health and Human  
19 Services Committee of the Senate and the Health Committee of the  
20 House of Representatives on the trauma centers funded under  
21 section 8107.3 (relating to funding).

22 (b) Contents of report.--The report shall do all of the  
23 following:

24 (1) Identify the trauma centers receiving funds.

25 (2) State the amount received and the number of  
26 individuals served.

27 (3) Make any recommendations for improvements in this  
28 chapter which further promote the availability of trauma care  
29 services to the citizens of this Commonwealth.

30 § 8107.6. Certification and financial report.

1 (a) Certification.--Before funds are provided, a trauma  
2 center qualifying for funds under section 8107.3 (relating to  
3 funding) shall certify that the funds are intended to be used  
4 for developing and providing for the availability of and access  
5 to trauma care for patients.

6 (b) Report.--Each trauma center that receives funds under  
7 section 8107.3 shall report to the department the following:

8 (1) An expenditure report six months after the end of  
9 the fiscal year accounting for how the funds were spent.

10 (2) The amount received and the number of individuals  
11 served.

12 (3) How funds received through section 8107.3 improved  
13 access to trauma care for patients.

14 Section 4. Repeals are as follows:

15 (1) The General Assembly declares that the repeal under  
16 paragraph (2) is necessary to effectuate the amendment or  
17 addition of 35 Pa.C.S. §§ 8103, 8107.1, 8107.2, 8107.3,  
18 8107.4, 8107.5 and 8107.6.

19 (2) Article VIII-H of the act of June 13, 1967 (P.L.31,  
20 No.21), known as the Human Services Code, is repealed.

21 Section 5. The amendment or addition of 35 Pa.C.S. §§ 8103,  
22 8107.1, 8107.2, 8107.3, 8107.4, 8107.5 and 8107.6 is a  
23 continuation of Article VIII-H of the act of June 13, 1967  
24 (P.L.31, No.21), known as the Human Services Code. The following  
25 apply:

26 (1) Except as otherwise provided in 35 Pa.C.S. §§ 8103,  
27 8107.1, 8107.2, 8107.3, 8107.4, 8107.5 and 8107.6, all  
28 activities initiated under Article VIII-H of the Human  
29 Services Code shall continue and remain in full force and  
30 effect and may be completed under 35 Pa.C.S. §§ 8103, 8107.1,



1 8107.2, 8107.3, 8107.4, 8107.5 and 8107.6. Orders,  
2 regulations, rules and decisions which were made under  
3 Article VIII-H of the Human Services Code and which are in  
4 effect on the effective date of section 6 of this act shall  
5 remain in full force and effect until revoked, vacated or  
6 modified under 35 Pa.C.S. §§ 8103, 8107.1, 8107.2, 8107.3,  
7 8107.4, 8107.5 and 8107.6. Contracts, obligations and  
8 collective bargaining agreements entered into under Article  
9 VIII-H of the Human Services Code are not affected nor  
10 impaired by the repeal of Article VIII-H of the Human  
11 Services Code.

12 (2) Except as set forth in paragraph (3), any difference  
13 in language between 35 Pa.C.S. §§ 8103, 8107.1, 8107.2,  
14 8107.3, 8107.4, 8107.5 and 8107.6 and Article VIII-H of the  
15 Human Services Code is intended only to conform to the style  
16 of the Pennsylvania Consolidated Statutes and is not intended  
17 to change or affect the legislative intent, judicial  
18 construction or administration and implementation of Article  
19 VIII-H of the Human Services Code.

20 (3) Paragraph (2) does not apply to the addition of 35  
21 Pa.C.S. § 8107.1(e).  
22 Section 6. This act shall take effect immediately.