

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 786 Session of 2019

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

AS REPORTED FROM COMMITTEE ON HEALTH, HOUSE OF REPRESENTATIVES, AS AMENDED, JUNE 4, 2019

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

1 require trauma care treatment 24 hours per day and seven days
2 per week based on the availability of the following services:

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

5 (2) At least one registered nurse with specialized
6 training in advanced life support techniques AT ALL TIMES. <--

7 (3) Anesthesia services at all times.

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

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

15 * * *

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

19 * * *

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

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

26 § 8107. Pennsylvania Trauma Systems Foundation.

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

29 (1) Establish standards for the operation of trauma
30 centers that receive or seek to receive Commonwealth funds,

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

13 * * *

14 Section 3. Title 35 is amended by adding sections to read:
15 § 8107.1. Accreditation of trauma centers.

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

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

26 (1) Provide comprehensive emergency services.

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

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

1 (4) Be located more than 25 miles of travel distance
2 established by roadways from a Level I, Level II or Level III
3 trauma center.

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

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

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

28 § 8107.2. Submission of list.

29 The foundation shall annually submit to the department its
30 list of accredited Level I, II, III and IV trauma centers with

1 updates as necessary. The list shall include all Level I and
2 Level II trauma centers as specified under this chapter.

3 § 8107.3. Funding.

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

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

17 (c) Payment calculation.--

18 (1) Payment shall be allocated as follows:

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

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

1 Center for Rural Pennsylvania, in the next fiscal year
2 utilizing the same formula as for the Level III trauma
3 centers.

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

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

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

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

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

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

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

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

11 § 8107.4. Notification of trauma center closure.

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

17 § 8107.5. Reporting.

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

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

25 (1) Identify the trauma centers receiving funds.

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

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

1 § 8107.6. Certification and financial report.

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

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

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

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

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

15 Section 4. Repeals are as follows:

16 (1) The General Assembly declares that the repeal under
17 paragraph (2) is necessary to effectuate the amendment or
18 addition of 35 Pa.C.S. §§ 8103, 8107.1, 8107.2, 8107.3,
19 8107.4, 8107.5 and 8107.6.

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

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

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

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

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

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