

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 AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES, JUNE 11, 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. Travel distance is calculated by rounding
24 up to the next whole mile for a portion of a mile over a whole
25 mile for the distance traveled.

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

28 § 8107. Pennsylvania Trauma Systems Foundation.

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

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

15 * * *

16 Section 3. Title 35 is amended by adding sections to read:
17 § 8107.1. Accreditation of trauma centers.

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

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

28 (1) Provide comprehensive emergency services.

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

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

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

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

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

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

30 (f) Applicability.--The travel distance requirements under

1 this section shall not apply in the following situations:

2 (1) For a trauma center accredited before the effective
3 date of this subsection, the trauma center may move or
4 relocate the trauma center within the catchment area.

5 (2) In a merger or acquisition of a trauma center
6 regardless of whether or not the trauma center was accredited
7 before or after the effective date of this subsection.

8 (3) FOR A TRAUMA CENTER SEEKING ACCREDITATION UNDER <--
9 SUBSECTION (E), THE TRAVEL DISTANCE REQUIREMENT SHALL NOT
10 APPLY IF THE TRAUMA CENTER CAN DEMONSTRATE THAT THE OTHER
11 TRAUMA CENTERS IN THE CATCHMENT AREA HAVE A VOLUME OF EXCESS
12 CASES ABOVE THE VOLUMES REQUIRED FOR REACCREDITATION UNDER
13 SECTION 8107(A) (1) THAT IS TWICE THE AMOUNT REQUIRED FOR
14 REACCREDITATION UNDER SECTION 8107(A) (1).

15 § 8107.2. Submission of list.

16 The foundation shall annually submit to the ~~department~~ <--
17 DEPARTMENT OF HUMAN SERVICES its list of accredited Level I, II, <--
18 III and IV trauma centers with updates as necessary. The list
19 shall include all Level I and Level II trauma centers as
20 specified under this chapter.

21 § 8107.3. Funding.

22 (a) Distribution.--Beginning fiscal year 2008-2009 and each
23 year thereafter, the ~~department~~ DEPARTMENT OF HUMAN SERVICES <--
24 shall distribute annually, from available funds appropriated for
25 this purpose, a supplemental payment to each accredited Level I
26 or Level II trauma center or each Level III trauma center or
27 hospital seeking Level III accreditation as provided in section
28 8107.1(b) (relating to accreditation of trauma centers) for the
29 purpose of improving access to readily available and coordinated
30 trauma care for the citizens of this Commonwealth.

1 (b) Funding.--The ~~department~~ DEPARTMENT OF HUMAN SERVICES <--
2 shall seek to maximize any Federal funds, including funds
3 obtained pursuant to Title XIX of the Social Security Act (49
4 Stat. 620, 42 U.S.C. § 1396 et seq.) available for trauma care
5 stabilization.

6 (c) Payment calculation.--

7 (1) Payment shall be allocated as follows:

8 (i) Ninety percent of available funds shall be
9 allocated to accredited Level I and Level II trauma
10 centers.

11 (ii) Ten percent shall be allocated to hospitals
12 accredited as Level III trauma centers and hospitals
13 seeking Level III accreditation for up to four years with
14 documented evidence of progression toward accreditation
15 and achievement of benchmarks as verified and established
16 by the foundation in collaboration with the ~~department~~ <--
17 DEPARTMENT OF HUMAN SERVICES. Funds not distributed under <--
18 this subsection by the end of a fiscal year may be used
19 for the funding of Level IV trauma centers in rural
20 counties, as defined by the Center for Rural
21 Pennsylvania, in the next fiscal year utilizing the same
22 formula as for the Level III trauma centers.

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

26 (i) Fifty percent of the total amount available for
27 Level I and Level II trauma centers shall be allocated
28 equally among Level I and Level II trauma centers.

29 (ii) Fifty percent of the total amount available for
30 Level I and Level II trauma centers shall be allocated on

1 the basis of each trauma center's percentage of medical
2 assistance and uninsured trauma cases and patient days
3 compared to the Statewide total number of medical
4 assistance and uninsured trauma cases and patient days
5 for all Level I and Level II trauma centers.

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

10 (i) Fifty percent of the total amount available for
11 Level III trauma centers shall be allocated equally among
12 all Level III trauma centers.

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

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

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

30 § 8107.4. Notification of trauma center closure.

1 A hospital that receives funds under section 8107.3 (relating
2 to funding) shall notify the department, the foundation and the
3 Department of ~~Health~~ HUMAN SERVICES of its intent to cease <--
4 operation of its trauma center no later than 60 days prior to
5 closure of that trauma center.

6 § 8107.5. Reporting.

7 (a) General rule.--On March 1, 2011, and annually
8 thereafter, the ~~department~~ DEPARTMENT OF HUMAN SERVICES shall <--
9 report to the Health and Human Services Committee of the Senate
10 and the Health Committee of the House of Representatives on the
11 trauma centers funded under section 8107.3 (relating to
12 funding).

13 (b) Contents of report.--The report shall do all of the
14 following:

15 (1) Identify the trauma centers receiving funds.

16 (2) State the amount received and the number of
17 individuals served.

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

21 § 8107.6. Certification and financial report.

22 (a) Certification.--Before funds are provided, a trauma
23 center qualifying for funds under section 8107.3 (relating to
24 funding) shall certify that the funds are intended to be used
25 for developing and providing for the availability of and access
26 to trauma care for patients.

27 (b) Report.--Each trauma center that receives funds under
28 section 8107.3 shall report to the ~~department~~ DEPARTMENT OF <--
29 HUMAN SERVICES the following:

30 (1) An expenditure report six months after the end of

1 the fiscal year accounting for how the funds were spent.

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

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

6 Section 4. Repeals are as follows:

7 (1) The General Assembly declares that the repeal under
8 paragraph (2) is necessary to effectuate the amendment or
9 addition of 35 Pa.C.S. §§ 8103, 8107.1, 8107.2, 8107.3,
10 8107.4, 8107.5 and 8107.6.

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

13 Section 5. The amendment or addition of 35 Pa.C.S. §§ 8103,
14 8107.1, 8107.2, 8107.3, 8107.4, 8107.5 and 8107.6 is a
15 continuation of Article VIII-H of the act of June 13, 1967
16 (P.L.31, No.21), known as the Human Services Code. The following
17 apply:

18 (1) Except as otherwise provided in 35 Pa.C.S. §§ 8103,
19 8107.1, 8107.2, 8107.3, 8107.4, 8107.5 and 8107.6, all
20 activities initiated under Article VIII-H of the Human
21 Services Code shall continue and remain in full force and
22 effect and may be completed under 35 Pa.C.S. §§ 8103, 8107.1,
23 8107.2, 8107.3, 8107.4, 8107.5 and 8107.6. Orders,
24 regulations, rules and decisions which were made under
25 Article VIII-H of the Human Services Code and which are in
26 effect on the effective date of section 6 of this act shall
27 remain in full force and effect until revoked, vacated or
28 modified under 35 Pa.C.S. §§ 8103, 8107.1, 8107.2, 8107.3,
29 8107.4, 8107.5 and 8107.6. Contracts, obligations and
30 collective bargaining agreements entered into under Article

1 VIII-H of the Human Services Code are not affected nor
2 impaired by the repeal of Article VIII-H of the Human
3 Services Code.

4 (2) Except as set forth in paragraph (3), any difference
5 in language between 35 Pa.C.S. §§ 8103, 8107.1, 8107.2,
6 8107.3, 8107.4, 8107.5 and 8107.6 and Article VIII-H of the
7 Human Services Code is intended only to conform to the style
8 of the Pennsylvania Consolidated Statutes and is not intended
9 to change or affect the legislative intent, judicial
10 construction or administration and implementation of Article
11 VIII-H of the Human Services Code.

12 (3) Paragraph (2) does not apply to the addition of 35
13 Pa.C.S. § 8107.1(e) AND (F). <--
14 Section 6. This act shall take effect immediately.