

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

SENATOR BROOKS, HEALTH AND HUMAN SERVICES, IN SENATE, AS  
AMENDED, JUNE 18, 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 "CATCHMENT AREA." AN AREA SURROUNDING A HOSPITAL THAT IS  
19 LOCATED LESS THAN 25 MILES OF TRAVEL DISTANCE ESTABLISHED BY

<--

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

2 \* \* \*

3 "Comprehensive emergency services." The capacity of a  
4 hospital emergency department to maintain staff and provide  
5 immediate and advanced care for Pennsylvania patients who  
6 require trauma care treatment 24 hours per day and seven days  
7 per week based on the availability of the following services:

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

10 (2) At least one registered nurse with specialized  
11 training in advanced life support techniques at all times.

12 (3) Anesthesia services at all times.

13 (4) Physician specialists who can immediately consult by  
14 telephone or radio and can report immediately to the hospital  
15 emergency department as needed.

16 (5) Ancillary services, such as laboratory, radiology,  
17 pharmacy and respiratory therapy, at all times, with  
18 appropriate personnel who can report immediately to the  
19 hospital emergency department as needed.

20 \* \* \*

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

24 \* \* \*

25 "Travel distance." The distance traveled by a motor vehicle  
26 on paved public roads having at least two driving lanes of width  
27 and on which a motor vehicle would reasonably travel in the  
28 transport of patients. Travel distance is calculated by rounding  
29 up to the next whole mile for a portion of a mile over a whole  
30 mile for the distance traveled.

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

3 § 8107. Pennsylvania Trauma Systems Foundation.

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

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

20 \* \* \*

21 Section 3. Title 35 is amended by adding sections to read:

22 § 8107.1. Accreditation of trauma centers.

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

29 (b) Additional requirements.--In addition to the Level III  
30 standards established by the foundation under subsection (a), a

1 hospital must meet all of the following criteria to qualify for  
2 Level III accreditation:

3 (1) Provide comprehensive emergency services.

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

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

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

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

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

23 (e) Additional accreditation criteria.--For a hospital that  
24 submits an application for Level I, Level II or Level III  
25 accreditation after the effective date of this subsection, the  
26 hospital shall be located more than 25 miles of travel distance  
27 established by roadways from a Level I, Level II or Level III  
28 trauma center. If a trauma center is accredited before the  
29 effective date of this subsection, and the accreditation is  
30 denied or voluntarily withdrawn, notwithstanding the reason, the

1 trauma center shall be subject to the travel distance  
2 requirement under this section in the same manner as a trauma  
3 center that has never been accredited if the hospital reapplies  
4 for accreditation.

5 (f) Applicability.--The travel distance requirements under  
6 this section shall not apply in the following situations:

7 (1) For a trauma center accredited before the effective  
8 date of this subsection, the trauma center may move or  
9 relocate the trauma center within the catchment area FIVE <--  
10 MILES BY ROADWAY FROM THE ORIGINAL LOCATION.

11 (2) In a merger or acquisition of a trauma center  
12 regardless of whether or not the trauma center was accredited <--  
13 before or after the effective date of this subsection.

14 (3) For a ~~trauma center~~ HOSPITAL seeking accreditation <--  
15 under subsection (e), the travel distance requirement shall  
16 not apply if the ~~trauma center~~ HOSPITAL can demonstrate that <--  
17 the other trauma centers in the catchment area have a volume  
18 of excess cases above the volumes required for  
19 reaccreditation under section 8107(a)(1) that is, FOR A <--  
20 PERIOD OF THREE PRECEDING YEARS, twice the amount required  
21 for reaccreditation under section 8107(a)(1).

22 (G) VOLUME WAIVER PROCESS.--THE FOUNDATION SHALL DEVELOP A <--  
23 PROCESS TO ALLOW A HOSPITAL SEEKING ACCREDITATION UNDER  
24 SUBSECTION (E) AND A WAIVER OF THE TRAVEL DISTANCE REQUIREMENT  
25 UNDER SUBSECTION (F) (3) TO HAVE PATIENT VOLUME DATA REVIEWED TO  
26 DETERMINE ELIGIBILITY FOR THE WAIVER PRIOR TO THE PURSUIT OF  
27 TRAUMA CENTER ACCREDITATION.

28 § 8107.2. Submission of list.

29 The foundation shall annually submit to the Department of  
30 Human Services its list of accredited Level I, II, III and IV

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

4 § 8107.3. Funding.

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

14 (b) Funding.--The Department of Human Services shall seek to  
15 maximize any Federal funds, including funds obtained pursuant to  
16 Title XIX of the Social Security Act (49 Stat. 620, 42 U.S.C. §  
17 1396 et seq.) available for trauma care stabilization.

18 (c) Payment calculation.--

19 (1) Payment shall be allocated as follows:

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

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

1 the funding of Level IV trauma centers in rural counties,  
2 as defined by the Center for Rural Pennsylvania, in the  
3 next fiscal year utilizing the same formula as for the  
4 Level III trauma centers.

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

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

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

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

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

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

1 trauma centers.

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

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

12 § 8107.4. Notification of trauma center closure.

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

18 § 8107.5. Reporting.

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

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

26 (1) Identify the trauma centers receiving funds.

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

29 (3) Make any recommendations for improvements in this  
30 chapter which further promote the availability of trauma care

1 services to the citizens of this Commonwealth.

2 § 8107.6. Certification and financial report.

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

8 (b) Report.--Each trauma center that receives funds under  
9 section 8107.3 shall report to the Department of Human Services  
10 the following:

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

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

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

17 Section 4. Repeals are as follows:

18 (1) The General Assembly declares that the repeal under  
19 paragraph (2) is necessary to effectuate the amendment or  
20 addition of 35 Pa.C.S. §§ 8103, 8107.1, 8107.2, 8107.3,  
21 8107.4, 8107.5 and 8107.6.

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

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

29 (1) Except as otherwise provided in 35 Pa.C.S. §§ 8103,  
30 8107.1, 8107.2, 8107.3, 8107.4, 8107.5 and 8107.6, all

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

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

23 (3) Paragraph (2) does not apply to the addition of THE <--  
24 DEFINITION OF "CATCHMENT AREA" IN 35 PA.C.S. § 8103 AND 35  
25 Pa.C.S. § 8107.1(e) ~~and (f)~~, (F) AND (G). <--  
26 Section 6. This act shall take effect immediately.