
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 SECTION 1. THE DEFINITION OF "TRAUMA CENTER" IN SECTION 8103 ◀
14 OF TITLE 35 OF THE PENNSYLVANIA CONSOLIDATED STATUTES IS AMENDED
15 AND THE SECTION IS AMENDED BY ADDING DEFINITIONS TO READ:

16 § 8103. Definitions.

17 The following words and phrases when used in this chapter
18 shall have the meanings given to them in this section unless the

1 context clearly indicates otherwise:

2 * * *

3 "CATCHMENT AREA." AN AREA SURROUNDING A HOSPITAL THAT IS <--
4 LOCATED LESS THAN 25 MILES OF TRAVEL DISTANCE ESTABLISHED BY
5 ROADWAYS FROM A LEVEL I, LEVEL II OR LEVEL III TRAUMA CENTER.

6 * * *

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

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

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

16 (3) Anesthesia services at all times.

17 (4) Physician specialists who can immediately consult by
18 telephone or radio and can report immediately to the hospital
19 emergency department as needed.

20 (5) Ancillary services, such as laboratory, radiology,
21 pharmacy and respiratory therapy, at all times, with
22 appropriate personnel who can report immediately to the
23 hospital emergency department as needed.

24 * * *

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

28 * * *

29 "TRAUMA CENTER." [A FACILITY ACCREDITED AS A TRAUMA CENTER ◀
30 BY THE PENNSYLVANIA TRAUMA SYSTEMS FOUNDATION.] ANY OF THE ◀

1 FOLLOWING:

2 (1) A HOSPITAL ACCREDITED AS A LEVEL I, LEVEL II, LEVEL
3 III OR LEVEL IV TRAUMA CENTER BY THE PENNSYLVANIA TRAUMA
4 SYSTEMS FOUNDATION IN ACCORDANCE WITH THIS CHAPTER.

5 (2) AN OUT-OF-STATE HOSPITAL THAT QUALIFIES AS A TRAUMA
6 CENTER UNDER THE TITLE XIX STATE PLAN THAT:

7 (I) HAS PAID TO THE FOUNDATION THE ANNUAL
8 PARTICIPATION FEES THAT WOULD BE DUE IF THE HOSPITAL WERE
9 TO OBTAIN ACCREDITATION FROM THE FOUNDATION; AND

10 (II) HAS SUBMITTED TO THE FOUNDATION ON AN ANNUAL
11 BASIS:

12 (A) THE CLINICAL PATIENT DATA THAT THE HOSPITAL
13 SUBMITS TO THE NATIONAL TRAUMA DATABASE REGARDING
14 RESIDENTS OF THIS COMMONWEALTH WHO RECEIVE TRAUMA
15 SERVICES FROM THE HOSPITAL; AND

16 (B) THE INFORMATION NECESSARY TO CALCULATE THE
17 SUPPLEMENTAL PAYMENT UNDER SECTION 8107.3 (RELATING
18 TO FUNDING) AS PROVIDED IN THE TITLE XIX STATE PLAN.

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. Travel distance is calculated by rounding
23 up to the next whole mile for a portion of a mile over a whole
24 mile for the distance traveled.

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

27 § 8107. Pennsylvania Trauma Systems Foundation.

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

30 (1) Establish standards for the operation of trauma

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

14 * * *

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

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

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

27 (1) Provide comprehensive emergency services.

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

30 (3) Be located in a third, fourth, fifth, sixth, seventh

1 or eighth class county. THE REQUIREMENT UNDER THIS PARAGRAPH ◀
2 SHALL NOT APPLY TO ACCREDITED LEVEL III TRAUMA CENTERS AS OF
3 THE EFFECTIVE DATE OF THIS SUBSECTION.

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

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

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

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

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

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

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

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

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

24 § 8107.2. Submission of list.

25 The foundation shall annually submit to the Department of
26 Human Services its list of accredited Level I, II, III and IV
27 trauma centers with updates as necessary. The list shall include
28 all Level I and Level II trauma centers as specified under this
29 chapter.

30 § 8107.3. Funding.

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

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

14 (c) Payment calculation.--

15 (1) Payment shall be allocated as follows:

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

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

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

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

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

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

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

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

28 (4) Payment to each qualifying hospital accredited as a
29 Level III TRAUMA CENTER may not be greater than 50% of the ◀
30 average Statewide annual payment to a Level I or Level II

1 trauma center as determined in the methodology described in
2 paragraph (2).

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

8 § 8107.4. Notification of trauma center closure.

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

14 § 8107.5. Reporting.

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

20 (b) Contents of report.--The report shall do all of the
21 following:

22 (1) Identify the trauma centers receiving funds.

23 (2) State the amount received and the number of
24 individuals served.

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

28 § 8107.6. Certification and financial report.

29 (a) Certification.--Before funds are provided, a trauma
30 center qualifying for funds under section 8107.3 (relating to

1 funding) shall certify that the funds are intended to be used
2 for developing and providing for the availability of and access
3 to trauma care for patients.

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

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

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

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

13 Section 4. Repeals are as follows:

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

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

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

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

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

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

19 (3) Paragraph (2) does not apply to the AMENDMENT OR ◀
20 addition of THE DEFINITIONS OF "CATCHMENT AREA" AND "TRAUMA ◀
21 CENTER" IN 35 PA.C.S. § 8103 AND 35 Pa.C.S. § ~~8107.1(e) and~~ ◀
22 ~~(f)~~ 8107.1(B) (3), (E), (F) AND (G). ◀

23 Section 6. This act shall take effect immediately.