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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, HILL-EVANS, WHEELAND AND SCHMITT,  
MARCH 12, 2019

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AS AMENDED ON THIRD CONSIDERATION, IN SENATE, JUNE 25, 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 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  
19 context clearly indicates otherwise:

1 \* \* \*

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

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5 \* \* \*

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

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

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

15 (3) Anesthesia services at all times.

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

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

23 \* \* \*

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

27 \* \* \*

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

◀

◀

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

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

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

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

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

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

18           "Travel distance." The distance traveled by a motor vehicle  
19 on paved public roads having at least two driving lanes of width  
20 and on which a motor vehicle would reasonably travel in the  
21 transport of patients. Travel distance is calculated by rounding  
22 up to the next whole mile for a portion of a mile over a whole  
23 mile for the distance traveled.

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. THE REQUIREMENT UNDER THIS PARAGRAPH ◀

1 SHALL NOT APPLY TO ACCREDITED LEVEL III TRAUMA CENTERS AS OF  
2 THE EFFECTIVE DATE OF THIS SUBSECTION.

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 FIVE 10 <--  
5 MILES BY ROADWAY FROM THE ORIGINAL LOCATION.

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

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

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

23 § 8107.2. Submission of list.

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

29 § 8107.3. Funding.

30 (a) Distribution.--Beginning fiscal year 2008-2009 and each

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

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

13 (c) Payment calculation.--

14 (1) Payment shall be allocated as follows:

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

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

30 (2) Payment to each qualifying Level I or Level II

1 trauma center shall be calculated using data provided by the  
2 foundation as follows:

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

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

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

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

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

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



1 paragraph (2).

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

7 § 8107.4. Notification of trauma center closure.

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

13 § 8107.5. Reporting.

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

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

21 (1) Identify the trauma centers receiving funds.

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

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

27 § 8107.6. Certification and financial report.

28 (a) Certification.--Before funds are provided, a trauma  
29 center qualifying for funds under section 8107.3 (relating to  
30 funding) shall certify that the funds are intended to be used

1 for developing and providing for the availability of and access  
2 to trauma care for patients.

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

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

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

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

12 Section 4. Repeals are as follows:

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

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

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

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

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

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

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

22 Section 6. This act shall take effect immediately.