

No. 2019-54

AN ACT

HB 786

Amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, in emergency medical services system, further providing for definitions and for Pennsylvania Trauma Systems Foundation, providing for accreditation of trauma centers, for submission of list, for funding, for notification of trauma center closure, for reporting and for certification and financial report; and making a related repeal.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. The definition of "trauma center" in section 8103 of Title 35 of the Pennsylvania Consolidated Statutes is amended and the section is amended by adding definitions to read:

§ 8103. Definitions.

The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

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"Catchment area." An area surrounding a hospital that is located less than 25 miles of travel distance established by roadways from a Level I, Level II or Level III trauma center.

* * *

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

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

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

(3) Anesthesia services at all times.

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

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

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

"Trauma center." [A facility accredited as a trauma center by the Pennsylvania Trauma Systems Foundation.] Any of the following:

(1) A hospital accredited as a Level I, Level II, Level III or Level IV trauma center by the Pennsylvania Trauma Systems Foundation in accordance with this chapter.

(2) An out-of-State hospital that qualifies as a trauma center under the Title XIX State Plan that:

(i) has paid to the foundation the annual participation fees that would be due if the hospital were to obtain accreditation from the foundation; and

(ii) has submitted to the foundation on an annual basis:

(A) the clinical patient data that the hospital submits to the National Trauma Database regarding residents of this Commonwealth who receive trauma services from the hospital; and

(B) the information necessary to calculate the supplemental payment under section 8107.3 (relating to funding) as provided in the Title XIX State Plan.

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

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

§ 8107. Pennsylvania Trauma Systems Foundation.

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

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

* * *

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

§ 8107.1. Accreditation of trauma centers.

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

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

(1) Provide comprehensive emergency services.

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

(3) Be located in a third, fourth, fifth, sixth, seventh or eighth class county. The requirement under this paragraph shall not apply to accredited Level III trauma centers as of the effective date of this subsection.

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

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

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

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

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

(1) For a trauma center accredited before the effective date of this subsection, the trauma center may move or relocate the trauma center within 10 miles by roadway from the original location.

(2) In a merger or acquisition of a trauma center.

(3) For a hospital seeking accreditation under subsection (e), the travel distance requirement shall not apply if the hospital can demonstrate that the other trauma centers in the catchment area have a volume of excess cases above the volumes required for reaccreditation under section 8107(a)(1) that is, for a period of three preceding years, twice the amount required for reaccreditation under section 8107(a)(1).

(g) Volume waiver process.—The foundation shall develop a process to allow a hospital seeking accreditation under subsection (e) and a waiver of the travel distance requirement under subsection (f)(3) to have patient volume data reviewed to determine eligibility for the waiver prior to the pursuit of trauma center accreditation.

§ 8107.2. Submission of list.

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

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

§ 8107.3. Funding.

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

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

(c) Payment calculation.—

(1) Payment shall be allocated as follows:

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

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

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

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

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

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

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

(ii) Fifty percent of the total amount available for Level III trauma centers shall be allocated on the basis of each trauma

center's percentage of medical assistance and uninsured trauma cases and patient days compared to the Statewide total number of medical assistance and uninsured trauma cases and patient days for all Level III trauma centers.

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

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

§ 8107.4. Notification of trauma center closure.

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

§ 8107.5. Reporting.

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

(b) Contents of report.—The report shall do all of the following:

(1) Identify the trauma centers receiving funds.

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

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

§ 8107.6. Certification and financial report.

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

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

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

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

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

Section 4. Repeals are as follows:

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

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

Section 5. The amendment or addition of 35 Pa.C.S. §§ 8103, 8107.1, 8107.2, 8107.3, 8107.4, 8107.5 and 8107.6 is a continuation of Article VIII-

H of the act of June 13, 1967 (P.L.31, No.21), known as the Human Services Code. The following apply:

(1) Except as otherwise provided in 35 Pa.C.S. §§ 8103, 8107.1, 8107.2, 8107.3, 8107.4, 8107.5 and 8107.6, all activities initiated under Article VIII-H of the Human Services Code shall continue and remain in full force and effect and may be completed under 35 Pa.C.S. §§ 8103, 8107.1, 8107.2, 8107.3, 8107.4, 8107.5 and 8107.6. Orders, regulations, rules and decisions which were made under Article VIII-H of the Human Services Code and which are in effect on the effective date of section 6 of this act shall remain in full force and effect until revoked, vacated or modified under 35 Pa.C.S. §§ 8103, 8107.1, 8107.2, 8107.3, 8107.4, 8107.5 and 8107.6. Contracts, obligations and collective bargaining agreements entered into under Article VIII-H of the Human Services Code are not affected nor impaired by the repeal of Article VIII-H of the Human Services Code.

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

(3) Paragraph (2) does not apply to the amendment or addition of the definitions of "catchment area" and "trauma center" in 35 Pa.C.S. § 8103 and 35 Pa.C.S. § 8107.1(b)(3), (e), (f) and (g).

Section 6. This act shall take effect immediately.

APPROVED—The 2nd day of July, A.D. 2019

TOM WOLF