

1 HB517
2 139750-3
3 By Representative Johnson (R)
4 RFD: Health
5 First Read: 14-MAR-12

1 ENGROSSED

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3
4 A BILL
5 TO BE ENTITLED
6 AN ACT
7

8 To amend Sections 22-11D-1, 22-11D-2, 22-11D-3,
9 22-11D-4, 22-11D-5, 22-11D-6, 22-11D-7, 22-11D-8, and 22-11D-9
10 of the Code of Alabama 1975, and to add Section 22-11D-10 to
11 Chapter 11D of Title 22 of the Code of Alabama 1975, to expand
12 the registry and system of care in the statewide trauma system
13 to include other health care illnesses.

14 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

15 Section 1. Sections 22-11D-1, 22-11D-2, 22-11D-3,
16 22-11D-4, 22-11D-5, 22-11D-6, 22-11D-7, 22-11D-8, and 22-11D-9
17 of the Code of Alabama 1975, are amended to read as follows:

18 "§22-11D-1.

19 "The Legislature finds that trauma is ~~a severe~~
20 ~~health problem~~ one of many severe health problems in the State
21 of Alabama and a major cause of death and long-term
22 disability. It is in the best interest of the citizens of
23 Alabama to establish an efficient and well-coordinated
24 statewide trauma system and to provide for other systems of
25 care as the needs are recognized and funding becomes available
26 to reduce costs and incidences of inappropriate or inadequate
27 emergency medical services.

1 "§22-11D-2.

2 "As used in this chapter, the following terms shall
3 have the following meanings:

4 "(1) BOARD. The State Board of Health.

5 "(2) COMMUNICATIONS SYSTEM. A radio and land line
6 network complying with the board's rules and which provides
7 rapid public access, coordinated central dispatching of
8 services, and coordination of personnel, equipment, and
9 facilities in the trauma and health system.

10 "(3) COUNCIL. The Statewide Trauma and Health System
11 Advisory Council.

12 "(4) DEPARTMENT. The Alabama Department of Public
13 Health.

14 "~~(5) DESIGNATED TRAUMA CENTER. A trauma center which~~
15 ~~is certified by the department and meets standards identified~~
16 ~~in rules of the board.~~

17 "~~(6)~~ (5) DESIGNATION. A formal determination by the
18 department that a hospital is capable of providing designated
19 trauma or other specific health care as authorized by this
20 chapter.

21 "~~(7)~~ (6) EMERGENCY MEDICAL SERVICE. The organization
22 responding to a perceived individual's need for immediate
23 medical care in order to prevent loss of life or aggravation
24 of physiological or psychological illness or injury.

25 "(7) HEALTH CARE CENTER. A hospital that voluntarily
26 participates in a statewide health system and that has been

1 designated as a health care center pursuant to the rules of
2 the board.

3 "(8) REGIONAL COUNCILS. The regional trauma advisory
4 councils.

5 "(9) TRAUMA CENTER. A hospital that voluntarily
6 participates in the statewide trauma system and that has been
7 designated as a trauma center pursuant to the rules of the
8 board.

9 "§22-11D-3.

10 "(a) The board, in consultation with, and having
11 solicited the advice of the council, shall establish and
12 maintain a statewide trauma system that shall include
13 centralized dispatch for participating trauma centers and
14 emergency medical services.

15 "(b) The statewide trauma system shall become
16 operational within 12 months after the State Health Officer
17 certifies to the Governor in writing that the department has
18 sufficient funds to finance its development, implementation,
19 and operation.

20 "(c) The board, in consultation with and having
21 solicited the advice of the council, may establish and
22 maintain other coordinated statewide systems of emergency
23 medical and hospital care for other illnesses, such as stroke.
24 Other statewide coordinated health care systems may be
25 implemented by the board as funds become available to the
26 board.

27 "§22-11D-4.

1 "(a) With the advice of and after approval of the
2 council, the board may adopt rules for verification and
3 certification of trauma or health care center status which
4 assign level designations based on resources available within
5 the facility. Rules shall be based upon national guidelines,
6 including, but not limited to, those established by the
7 American College of Surgeons, the Joint Commission of
8 Accreditation of Health Care Organizations, in Hospital and
9 Pre-hospital Resources for Optimal Care of the Injured
10 Patient, and any published appendices thereto. Rules specific
11 to rural and urban areas shall be developed and adopted by
12 rule of the board.

13 "(b) Any medical facility that desires to be a
14 designated trauma or other health care center shall request a
15 designation from the department whereby the medical facility
16 agrees to maintain a level of commitment and resources
17 sufficient to meet the responsibilities and standards required
18 by the ~~statewide trauma system and the~~ rules promulgated
19 pursuant to this chapter. The board shall determine by rule
20 the manner and form of such requests and the standards for
21 review of such requests. Any medical facility that meets such
22 standards shall be certified by the department and shall be
23 included in the ~~statewide~~ trauma or other health system. The
24 department may revoke, suspend, or modify a designation if it
25 determines that the medical facility is substantially out of
26 compliance with standards and it has refused or been unable to
27 comply after a reasonable period of time has elapsed. Any

1 medical facility may challenge the board's designation,
2 denial, revocation, suspension, or modification of its trauma
3 center or other health care centers designation pursuant to
4 the contested case provisions of the Alabama Administrative
5 Procedure Act and rules of the board.

6 "(c) No medical facility shall hold itself out to
7 the public as a trauma or other health care center unless it
8 is designated as such by the department.

9 "§22-11D-5.

10 "(a) There is established the Statewide Trauma and
11 Health Care Center Advisory Council to assist in developing
12 regulations and standards necessary to implement this chapter
13 and to serve as consultants to the board on matters related to
14 the statewide trauma system and other health care centers.

15 "(b) The council shall consist of 11 members and be
16 constituted in the following manner:

17 "(1) Four representatives of hospitals, who shall be
18 appointed by the Board of Trustees of the Alabama Hospital
19 Association. Two of the appointees shall be from hospitals
20 located in urban areas and two shall be from hospitals located
21 in rural areas of the state. At least two of the appointees
22 shall be from hospitals that will be designated as trauma
23 centers after the statewide trauma system is established.

24 "(2) Four representatives who shall be licensed
25 physicians, appointed by the Medical Association of the State
26 of Alabama.

1 "(3) One representative of the board who shall be
2 the Medical Director of the EMS and Trauma Division of the
3 department, or his or her designee.

4 "(4) One member who shall be a licensed emergency
5 medical technician, who shall be appointed by the State Health
6 Officer.

7 "(5) The State Health Officer, who shall serve as
8 the chair.

9 "(c) All members of the council shall be appointed
10 for a term of four years, except initial members shall be
11 appointed to terms of from one to four years and shall serve
12 such staggered terms so that members appointed by the Alabama
13 Hospital Association and Medical Association of the State of
14 Alabama may be appointed subsequently each year. The
15 membership of the council shall be inclusive and reflect the
16 racial, gender, geographic, urban/rural, and economic
17 diversity of the state. Vacancies shall be filled in the
18 manner provided for the original appointments. Persons
19 appointed to fill vacancies shall serve the unexpired portions
20 of the terms.

21 "(d) The council shall meet at least twice a year,
22 but may meet more frequently upon the call of the chair. The
23 council may meet by electronic means and shall establish rules
24 of procedure for its meetings.

25 "(e) The council may appoint subcommittees and
26 workgroups. Subcommittees shall consist of council members and
27 workgroups may consist of non-council members.

1 "(f) With the consent of the majority of the
2 members, the chair shall set requirements for proxy
3 representation, voting, and the establishment of a quorum.

4 "(g) Members shall serve without compensation, but
5 shall be entitled to reimbursement for expenses incurred in
6 the performance of their duties at the same rate as state
7 employees.

8 "(h) The members shall represent the demographic
9 composition of the state to the extent possible.

10 "§22-11D-6.

11 "(a) The department shall establish a statewide
12 trauma registry and may establish other registries to collect
13 and analyze data on the incidence, severity, and causes of
14 trauma, including traumatic brain injury and other health care
15 illnesses, such as stroke. The ~~registry~~ registries shall be
16 used to improve the availability and delivery of pre-hospital
17 or out-of-hospital care and hospital trauma or other health
18 care services. Specific data elements of the ~~registry~~
19 registries shall be defined by rule of the department. Every
20 health care facility that is designated by the department as a
21 trauma or health care center shall furnish data to the
22 ~~registry~~ registries. All other health care facilities shall
23 furnish trauma or other health data as required by rule of the
24 department.

25 "(b) All data collected pursuant to this section
26 shall be held confidential pursuant to state and federal laws,
27 rules, and policies.

1 "§22-11D-7.

2 "(a) The board shall designate, by rule, trauma care
3 regions, so that all parts of the state are within such
4 regions. The regional designations shall be made on the basis
5 of efficiency of delivery of needed trauma care.

6 "(b) The board may establish regional trauma
7 advisory councils as needed. Regional trauma advisory councils
8 shall advise, consult with, and make recommendations to the
9 council on suggested regional modifications to the statewide
10 trauma system that will improve patient care and accommodate
11 specific regional needs. Each regional trauma advisory council
12 shall provide data required by the department or the council
13 to assess the effectiveness of the statewide trauma system.

14 "(c) Each regional trauma advisory council shall
15 have a minimum of 10 members. The membership of regional
16 trauma advisory councils shall be appointed in the same manner
17 as the council is appointed and shall be composed of
18 representatives of the same groups. Additional members may be
19 appointed pursuant to rules promulgated by the board. The
20 chair of each regional trauma advisory council shall be
21 elected by the members to serve for four years. The members
22 shall represent the demographic composition of the region
23 served, as far as practicable.

24 "(d) Regional trauma advisory council members shall
25 be entitled to reimbursement for expenses incurred in the
26 performance of their duties at the same rate as state
27 employees.

1 "(e) All other governance requirements of the
2 regional trauma advisory councils shall be established by rule
3 of the board.

4 "(f) The board may designate the trauma care regions
5 as the regions for planning and coordination of emergency
6 medical and hospital care for other illnesses. The trauma
7 advisory councils shall advise, consult with, and make
8 recommendations on coordination of systems of care by health
9 care centers for other illnesses as may be determined
10 necessary by the board.

11 "§22-11D-8.

12 "In accordance with the Alabama Administrative
13 Procedure Act, the board, with the advice and after approval
14 of the council, shall promulgate rules to implement and
15 administer this chapter. Rules promulgated by the board may
16 include, but are not limited to, the following:

17 "(1) Criteria to ensure that severely injured or ill
18 people are promptly transported and treated at designated
19 trauma centers appropriate to the severity of the injury.
20 Minimum criteria shall address emergency medical service
21 trauma triage and transportation guidelines as approved under
22 the board's emergency medical services rules, designation of
23 health care facilities as trauma centers, interhospital
24 transfers, and a trauma system governance structure.

25 "(2) Standards for verification of trauma and health
26 care center status which assign level designations based on
27 resources available within the facility. Standards shall be

1 based upon national guidelines, including, but not limited to,
2 those established by the American College of Surgeons,
3 entitled Hospital and Pre-hospital Resources for Optimal Care
4 of the Injured Patient, and any published appendices thereto.

5 "(3) Communication systems used by participating
6 trauma centers and emergency medical services.

7 "(4) Verification and adjustment of trauma center
8 status.

9 "(5) Specifications for centralized dispatch.

10 "(6) Dividing the state into emergency management
11 services regions to ensure that all parts of the state are
12 within a region. The regional designations shall be made on
13 the basis of efficiency of delivery of needed trauma care.

14 "(7) Establishing regional trauma advisory councils
15 and designating their roles and responsibilities.

16 "(8) Designating levels of trauma centers.

17 "(9) Specifying activation requirements for air
18 ambulances conducting scene flights. The board shall not
19 regulate in any manner the activation or operations of
20 fixed-wing providers that do not conduct scene flights.

21 "(10) Quality assurance requirements and evaluation
22 methodologies.

23 "(11) Statewide trauma registry data elements and
24 data collection.

25 "(12) The board, with the advice and approval of the
26 council, may designate other illnesses, such as stroke, which
27 require coordination of emergency medical hospital care and

1 may develop other statewide programs and registries modeled
2 after the statewide trauma program.

3 "§22-11D-9.

4 "(a) The Statewide Trauma System Fund is created.
5 The department shall distribute funding allocated to the
6 department for the purpose of creating, administering,
7 maintaining, or enhancing the statewide trauma system. The
8 department may apply for, receive, and accept gifts and other
9 payments, including property and services, for the fund from
10 any governmental or other public or private entity or person
11 and may utilize the fund for activities related to the design,
12 administration, operation, maintenance, or enhancement of the
13 statewide trauma system.

14 "(b) The methodology of distribution of funds and
15 allocation of funds shall be established by the council and
16 subsequently adopted by the board, pursuant to the
17 Administrative Procedure Act. Guidelines and parameters for
18 distribution and allocation of funds is the sole prerogative
19 of the council. Fund allocation to trauma centers shall be
20 based upon the designated level of trauma care and the number
21 of qualified patients directed through the trauma centers, as
22 defined by the rules of the board.

23 "(c) Nothing in this chapter shall limit a patient's
24 right to choose the physician, hospital, trauma center, health
25 care center, facility, or other provider of health care
26 services, subject to any limitations, requirements, or

1 mechanisms prescribed in any federal law or law of the State
2 of Alabama.

3 "(d) Nothing in this chapter shall limit a hospital
4 from being designated as a trauma center or any other
5 designated health care center."

6 Section 2. Section 22-11D-10 is added to the Code of
7 Alabama 1975, to read as follows:

8 §22-11D-10.

9 (a) The Statewide Health System Fund is created. The
10 department shall distribute funding allocated to the
11 department for the purpose of creating, administering,
12 maintaining, or enhancing the statewide health system. The
13 department may apply for, receive, and accept gifts and other
14 payments, including property and services, for the fund from
15 any governmental or other public or private entity or person
16 and may utilize the fund for activities related to the design,
17 administration, operation, maintenance, or enhancement of the
18 statewide health system.

19 (b) The methodology of distribution of funds and
20 allocation of funds shall be established by the council and
21 subsequently adopted by the board pursuant to the
22 Administrative Procedure Act. Fund allocation to health care
23 centers shall be based upon the designated level of health
24 care and the number of qualified patients directed through the
25 health care centers, as defined by the rules of the board.

26 (c) Nothing in this chapter shall limit a patient's
27 right to choose the physician, hospital, trauma center, health

1 care center, facility, or other provider of health care
2 services, subject to any limitations, requirements, or
3 mechanisms prescribed in any federal law or law of the State
4 of Alabama.

5 (d) Nothing in this chapter shall limit a hospital
6 from being designated as a trauma center or other designated
7 health care center.

8 Section 3. This act shall become effective on the
9 first day of the third month following its passage and
10 approval by the Governor, or its otherwise becoming law.

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House of Representatives

Read for the first time and re-ferred to the House of Representatives committee on Health 14-MAR-12

Read for the second time and placed on the calendar with 1 substitute and..... 05-APR-12

Read for the third time and passed as amended..... 17-APR-12

Yeas 96, Nays 0, Abstains 0

Greg Pappas
Clerk