

1 A bill to be entitled
2 An act relating to health care; amending s. 154.11,
3 F.S.; revising powers of the boards of trustees of the
4 public health trusts; authorizing the lease of certain
5 office space for use by public health trusts;
6 providing discretion to the public health trust to
7 employ legal counsel; repealing s. 395.40, F.S.,
8 relating to legislative findings and intent with
9 respect to trauma care; amending s. 395.4001, F.S.;
10 revising definitions with respect to trauma services;
11 amending s. 395.401, F.S.; deleting certain
12 requirements for trauma plan components; limiting the
13 department's authority to adopt verification standards
14 for trauma centers; conforming a cross-reference;
15 amending s. 395.4015, F.S.; revising the criteria for
16 state regional trauma plans; repealing s. 395.402,
17 F.S., relating to trauma service areas and the number
18 and location of trauma centers; amending s. 395.4025,
19 F.S.; deleting requirements for trauma center
20 selection; specifying designation requirements for
21 Level II trauma centers; deleting obsolete provisions;
22 deleting provisions for extension of provisional
23 status; providing for renewals for Level II trauma
24 center designations; revising the renewal process for
25 Level I, Level II, pediatric, and provisional trauma
26 centers; authorizing the department to adopt rules to
27 designate Level I and pediatric trauma centers;
28 amending s. 395.405, F.S.; conforming a cross-

29 reference; providing an effective date.

30

31 Be It Enacted by the Legislature of the State of Florida:

32

33 Section 1. Paragraphs (f) and (p) of subsection (1) of
 34 section 154.11, Florida Statutes, are amended to read:

35 154.11 Powers of board of trustees.—

36 (1) The board of trustees of each public health trust
 37 shall be deemed to exercise a public and essential governmental
 38 function of both the state and the county and in furtherance
 39 thereof it shall, subject to limitation by the governing body of
 40 the county in which such board is located, have all of the
 41 powers necessary or convenient to carry out the operation and
 42 governance of designated health care facilities, including, but
 43 without limiting the generality of, the foregoing:

44 (f) To lease, either as lessee or lessor, or rent for any
 45 number of years and upon any terms and conditions real property,
 46 except that the board shall not lease or rent, as lessor, any
 47 real property except in accordance with the requirements of s.
 48 125.35, Florida Statutes ~~[F. S. 1973]~~, or unless the lease is
 49 for office space for use by the public health trust.

50 (p) To employ legal counsel, as the public health trust
 51 sees fit, and in its sole discretion.

52 Section 2. Section 395.40, Florida Statutes, is repealed.

53 Section 3. Subsections (7), (10), and (14) of section
 54 395.4001, Florida Statutes, are amended to read:

55 395.4001 Definitions.—As used in this part, the term:

56 (7) "Level II trauma center" means a trauma center that:

57 (a) Holds a valid certificate of trauma center
 58 verification from the American College of Surgeons, except as
 59 otherwise provided in s. 395.4025 ~~Is verified by the department~~
 60 ~~to be in substantial compliance with Level II trauma center~~
 61 ~~standards and has been approved by the department to operate as~~
 62 ~~a Level II trauma center.~~

63 (b) Serves as a resource facility to general hospitals
 64 through shared outreach, education, and quality improvement
 65 activities.

66 (c) Participates in an inclusive system of trauma care.

67 (10) "Provisional trauma center" means a hospital that has
 68 been verified by the department to be in substantial compliance
 69 with the requirements in s. 395.4025 and has been approved by
 70 the department to operate as a provisional Level I trauma
 71 center, ~~Level II trauma center, or pediatric trauma center, or~~
 72 provisional Level II trauma center verified and approved before
 73 July 1, 2013.

74 (14) "Trauma center" means a hospital that has been
 75 verified by the department to be in substantial compliance with
 76 the requirements in s. 395.4025 and has been approved by the
 77 department to operate as a Level I trauma center, ~~Level II~~
 78 ~~trauma center, or pediatric trauma center, or~~ designated Level
 79 II trauma center that holds a valid certificate of trauma center
 80 verification from the American College of Surgeons or as
 81 otherwise provided in s. 395.4025.

82 Section 4. Paragraph (b) of subsection (1) and subsections
 83 (2) and (3) of section 395.401, Florida Statutes, are amended to
 84 read:

85 | 395.401 Trauma services system plans; approval of trauma
 86 | centers and pediatric trauma centers; procedures; renewal.-

87 | (1)

88 | (b) The local and regional trauma agencies shall develop
 89 | and submit to the department plans for local and regional trauma
 90 | services systems. The plans must include, at a minimum, the
 91 | following components:

92 | 1. The organizational structure of the trauma system.

93 | 2. Prehospital care management guidelines for triage and
 94 | transportation of trauma cases.

95 | 3. Flow patterns of trauma cases and transportation system
 96 | design and resources, including air transportation services,
 97 | provision for interfacility trauma transfer, and the prehospital
 98 | transportation of trauma victims. The trauma agency shall plan
 99 | for the development of a system of transportation of trauma
 100 | alert victims to trauma centers where the distance or time to a
 101 | trauma center or transportation resources diminish access by
 102 | trauma alert victims.

103 | ~~4. The number and location of needed trauma centers based~~
 104 | ~~on local needs, population, and location and distribution of~~
 105 | ~~resources.~~

106 | 4.5. Data collection regarding system operation and
 107 | patient outcome.

108 | 5.6. Periodic performance evaluation of the trauma system
 109 | and its components.

110 | 6.7. The use of air transport services within the
 111 | jurisdiction of the local trauma agency.

112 | 7.8. Public information and education about the trauma

113 system.

114 ~~8.9.~~ Emergency medical services communication system usage
115 and dispatching.

116 ~~9.10.~~ The coordination and integration between the trauma
117 center and other acute care hospitals.

118 ~~10.11.~~ Medical control and accountability.

119 ~~11.12.~~ Quality control and system evaluation.

120 (2) The department shall adopt, by rule, standards for
121 verification of Level I and pediatric trauma centers based on
122 national guidelines, including those established by the American
123 College of Surgeons entitled "Hospital and Prehospital Resources
124 for Optimal Care of the Injured Patient" and published
125 appendices thereto. Standards specific to pediatric trauma
126 referral centers shall be developed in conjunction with
127 Children's Medical Services and adopted by rule of the
128 department.

129 (3) The department may withdraw local or regional agency
130 authority, prescribe corrective actions, or use the
131 administrative remedies as provided in s. 395.1065 for the
132 violation of any provision of this section and ss. 395.4015,
133 ~~395.402,~~ 395.4025, 395.403, 395.404, and 395.4045 or rules
134 adopted thereunder. All amounts collected pursuant to this
135 subsection shall be deposited into the Emergency Medical
136 Services Trust Fund provided in s. 401.34.

137 Section 5. Subsection (1) of section 395.4015, Florida
138 Statutes, is amended, and subsections (4) and (5) are added to
139 that section, to read:

140 395.4015 State regional trauma planning; trauma regions.-

141 (1) The department shall establish a state trauma system
142 plan. As part of the state trauma system plan, the department
143 shall establish trauma regions that cover all geographical areas
144 of the state and have boundaries that are coterminous with the
145 boundaries of the regional domestic security task forces
146 established under s. 943.0312. These regions may serve as the
147 basis for the development of department-approved local or
148 regional trauma plans for the transportation of trauma patients
149 and the coordination of activities between trauma centers, acute
150 care hospitals, emergency service providers, law enforcement
151 agencies, and local governments. Such regional plans shall
152 recognize trauma service areas that reflect well established
153 patient flow patterns. ~~However,~~ The delivery of trauma services
154 by or in coordination with a trauma agency established before
155 July 1, 2004, may continue in accordance with public and private
156 agreements and operational procedures entered into as provided
157 in s. 395.401.

158 (4) A hospital is only eligible for Level II trauma center
159 approval and verification if the hospital is located in a rural
160 county. For purposes of this subsection, the term "rural county"
161 means a county with boundaries that encompass a population of
162 300 or fewer persons per square mile. Population densities used
163 in this subsection must be based upon the most recent United
164 States census.

165 (5) After July 1, 2013, a hospital seeking Level II trauma
166 center approval and verification may not receive such approval
167 and verification if the hospital is located within 75 miles of
168 an existing Level I trauma center.

169 Section 6. Section 395.402, Florida Statutes, is repealed.

170 Section 7. Section 395.4025, Florida Statutes, is amended
171 to read:

172 395.4025 Trauma centers; designation selection; quality
173 assurance; records.—

174 (1) (a) Applicants for a Level I or pediatric trauma center
175 designation shall submit an application developed by the
176 department and documentation sufficient to demonstrate
177 compliance with the standards adopted by the department pursuant
178 to subsection (2) and s. 395.401(2).

179 (b) A Level II trauma center holding a provisional license
180 as of July 1, 2013, may complete the application process to
181 become a verified Level II trauma center pursuant to subsection
182 (2), and, if designated as such, may maintain the designation of
183 a Level II trauma center for 7 years from the date of approval
184 and verification by the department. Thereafter, the trauma
185 center must hold a valid certificate of trauma center
186 verification from the American College of Surgeons.

187 (c) Any hospital seeking a Level II trauma center
188 designation after July 1, 2013, shall be designated by the
189 department when the department receives documentation of the
190 hospital holding a valid certificate of trauma center
191 verification from the American College of Surgeons ~~For purposes~~
192 ~~of developing a system of trauma centers, the department shall~~
193 ~~use the 19 trauma service areas established in s. 395.402.~~
194 ~~Within each service area and based on the state trauma system~~
195 ~~plan, the local or regional trauma services system plan, and~~
196 ~~recommendations of the local or regional trauma agency, the~~

197 ~~department shall establish the approximate number of trauma~~
198 ~~centers needed to ensure reasonable access to high-quality~~
199 ~~trauma services. The department shall select those hospitals~~
200 ~~that are to be recognized as trauma centers.~~

201 (2) The department shall approve applications from
202 hospitals seeking designation as trauma centers, including
203 current verified trauma centers that seek a change or
204 redesignation in approval status as a trauma center. The
205 department shall conduct a provisional review of each
206 application for the purpose of determining whether the
207 hospital's application is complete and whether the hospital has
208 the critical elements required for a trauma center. This
209 critical review shall be based on trauma center standards
210 pursuant to s. 395.401(2) and shall include, but not be limited
211 to, a review of whether the hospital has:

212 (a) Equipment and physical facilities necessary to provide
213 trauma services ~~The department shall annually notify each acute~~
214 ~~care general hospital and each local and each regional trauma~~
215 ~~agency in the state that the department is accepting letters of~~
216 ~~intent from hospitals that are interested in becoming trauma~~
217 ~~centers. In order to be considered by the department, a hospital~~
218 ~~that operates within the geographic area of a local or regional~~
219 ~~trauma agency must certify that its intent to operate as a~~
220 ~~trauma center is consistent with the trauma services plan of the~~
221 ~~local or regional trauma agency, as approved by the department,~~
222 ~~if such agency exists. Letters of intent must be postmarked no~~
223 ~~later than midnight October 1.~~

224 (b) A sufficient number of personnel with proper

225 qualifications to provide trauma services ~~By October 15, the~~
226 ~~department shall send to all hospitals that submitted a letter~~
227 ~~of intent an application package that will provide the hospitals~~
228 ~~with instructions for submitting information to the department~~
229 ~~for selection as a trauma center. The standards for trauma~~
230 ~~centers provided for in s. 395.401(2), as adopted by rule of the~~
231 ~~department, shall serve as the basis for these instructions.~~

232 (c) An effective quality assurance process ~~In order to be~~
233 ~~considered by the department, applications from those hospitals~~
234 ~~seeking selection as trauma centers, including those current~~
235 ~~verified trauma centers that seek a change or redesignation in~~
236 ~~approval status as a trauma center, must be received by the~~
237 ~~department no later than the close of business on April 1. The~~
238 ~~department shall conduct a provisional review of each~~
239 ~~application for the purpose of determining that the hospital's~~
240 ~~application is complete and that the hospital has the critical~~
241 ~~elements required for a trauma center. This critical review will~~
242 ~~be based on trauma center standards and shall include, but not~~
243 ~~be limited to, a review of whether the hospital has:~~

244 1. ~~Equipment and physical facilities necessary to provide~~
245 ~~trauma services.~~

246 2. ~~Personnel in sufficient numbers and with proper~~
247 ~~qualifications to provide trauma services.~~

248 3. ~~An effective quality assurance process.~~

249 4. ~~Submitted written confirmation by the local or regional~~
250 ~~trauma agency that the hospital applying to become a trauma~~
251 ~~center is consistent with the plan of the local or regional~~
252 ~~trauma agency, as approved by the department, if such agency~~

253 exists.

254 (d)~~1.~~ Submitted written confirmation by the local or
255 regional trauma agency that the hospital applying to become a
256 trauma center is consistent with the plan of the local or
257 regional trauma agency, as approved by the department, if such
258 agency exists ~~Notwithstanding other provisions in this section,~~
259 ~~the department may grant up to an additional 18 months to a~~
260 ~~hospital applicant that is unable to meet all requirements as~~
261 ~~provided in paragraph (c) at the time of application if the~~
262 ~~number of applicants in the service area in which the applicant~~
263 ~~is located is equal to or less than the service area allocation,~~
264 ~~as provided by rule of the department. An applicant that is~~
265 ~~granted additional time pursuant to this paragraph shall submit~~
266 ~~a plan for departmental approval which includes timelines and~~
267 ~~activities that the applicant proposes to complete in order to~~
268 ~~meet application requirements. Any applicant that demonstrates~~
269 ~~an ongoing effort to complete the activities within the~~
270 ~~timelines outlined in the plan shall be included in the number~~
271 ~~of trauma centers at such time that the department has conducted~~
272 ~~a provisional review of the application and has determined that~~
273 ~~the application is complete and that the hospital has the~~
274 ~~critical elements required for a trauma center.~~

275 ~~2. Timeframes provided in subsections (1)-(8) shall be~~
276 ~~stayed until the department determines that the application is~~
277 ~~complete and that the hospital has the critical elements~~
278 ~~required for a trauma center.~~

279 (3) Any hospital that submitted an application found
280 acceptable by the department based on provisional review shall

281 be eligible to operate as a provisional trauma center ~~After~~
282 ~~April 30, Any hospital that submitted an application found~~
283 ~~acceptable by the department based on provisional review shall~~
284 ~~be eligible to operate as a provisional trauma center.~~

285 (4) ~~Between May 1 and October 1 of each year,~~ The
286 department shall conduct an in-depth evaluation of all
287 applications found acceptable in the provisional review. The
288 applications shall be evaluated against clinical criteria
289 enumerated in the application packages as provided to the
290 hospitals by the department.

291 (5) ~~Beginning October 1 of each year and ending no later~~
292 ~~than June 1 of the following year,~~ A review team of out-of-state
293 experts assembled by the department shall make onsite visits to
294 all provisional trauma centers. The department shall develop a
295 survey instrument to be used by the expert team of reviewers.
296 The instrument shall include objective criteria and guidelines
297 for reviewers based on existing trauma center standards pursuant
298 to subsection (2) and s. 395.401(2) such that all trauma centers
299 are assessed equally. The survey instrument shall also include a
300 uniform rating system that will be used by reviewers to indicate
301 the degree of compliance of each trauma center with specific
302 standards, and to indicate the quality of care provided by each
303 trauma center as determined through an audit of patient charts.
304 ~~In addition,~~ Hospitals being considered as provisional trauma
305 centers shall meet all the requirements of a trauma center ~~and~~
306 ~~shall be located in a trauma service area that has a need for~~
307 ~~such a trauma center.~~

308 (6) Based on recommendations from the review team, the

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309 department shall approve hospitals for designation as select
310 ~~trauma centers by July 1. An applicant for designation as a~~
311 ~~trauma center may request an extension of its provisional status~~
312 ~~if it submits a corrective action plan to the department. The~~
313 ~~corrective action plan must demonstrate the ability of the~~
314 ~~applicant to correct deficiencies noted during the applicant's~~
315 ~~onsite review conducted by the department between the previous~~
316 ~~October 1 and June 1. The department may extend the provisional~~
317 ~~status of an applicant for designation as a trauma center~~
318 ~~through December 31 if the applicant provides a corrective~~
319 ~~action plan acceptable to the department. The department or a~~
320 ~~team of out-of-state experts assembled by the department shall~~
321 ~~conduct an onsite visit on or before November 1 to confirm that~~
322 ~~the deficiencies have been corrected. The provisional trauma~~
323 ~~center is responsible for all costs associated with the onsite~~
324 ~~visit in a manner prescribed by rule of the department. By~~
325 ~~January 1, the department must approve or deny the application~~
326 ~~of any provisional applicant granted an extension. Each Level I~~
327 ~~or pediatric trauma center shall be granted a 7-year approval~~
328 ~~period during which time it must continue to maintain trauma~~
329 ~~center standards and acceptable patient outcomes as determined~~
330 ~~by department rule. An approval for a Level I or pediatric~~
331 ~~trauma center designation, unless sooner suspended or revoked,~~
332 ~~automatically expires 7 years after the date of issuance and is~~
333 ~~renewable upon application for renewal as prescribed by rule of~~
334 ~~the department. Renewals for Level II trauma center designations~~
335 ~~are dependent upon the American College of Surgeons' renewal~~
336 ~~cycle.~~

337 (7) Any hospital that wishes to protest a decision made by
338 the department based on the department's preliminary or in-depth
339 review of applications or on the recommendations of the site
340 visit review team pursuant to this section shall proceed as
341 provided in chapter 120. Hearings held under this subsection
342 shall be conducted in the same manner as provided in ss. 120.569
343 and 120.57. Cases filed under chapter 120 may combine all
344 disputes between parties.

345 (8) Notwithstanding any provision of chapter 381, a
346 hospital licensed under ss. 395.001-395.3025 that operates a
347 trauma center may not terminate or substantially reduce the
348 availability of trauma service without providing at least 180
349 days' notice of its intent to terminate such service. Such
350 notice shall be given to the department, to all affected local
351 or regional trauma agencies, and to all trauma centers,
352 hospitals, and emergency medical service providers in the trauma
353 service area. The department shall adopt by rule the procedures
354 and process for notification, duration, and explanation of the
355 termination of trauma services.

356 (9) Except as otherwise provided in this subsection, the
357 department or its agent may collect trauma care and registry
358 data, as prescribed by rule of the department, from trauma
359 centers, hospitals, emergency medical service providers, local
360 or regional trauma agencies, or medical examiners for the
361 purposes of evaluating trauma system effectiveness, ensuring
362 compliance with the standards, and monitoring patient outcomes.
363 A trauma center, hospital, emergency medical service provider,
364 medical examiner, or local trauma agency or regional trauma

365 agency, or a panel or committee assembled by such an agency
366 under s. 395.50(1) may, but is not required to, disclose to the
367 department patient care quality assurance proceedings, records,
368 or reports. However, the department may require a local trauma
369 agency or a regional trauma agency, or a panel or committee
370 assembled by such an agency to disclose to the department
371 patient care quality assurance proceedings, records, or reports
372 that the department needs solely to conduct quality assurance
373 activities under s. 395.4015, or to ensure compliance with the
374 quality assurance component of the trauma agency's plan approved
375 under s. 395.401. The patient care quality assurance
376 proceedings, records, or reports that the department may require
377 for these purposes include, but are not limited to, the
378 structure, processes, and procedures of the agency's quality
379 assurance activities, and any recommendation for improving or
380 modifying the overall trauma system, if the identity of a trauma
381 center, hospital, emergency medical service provider, medical
382 examiner, or an individual who provides trauma services is not
383 disclosed.

384 (10) Out-of-state experts assembled by the department to
385 conduct onsite visits are agents of the department for the
386 purposes of s. 395.3025. An out-of-state expert who acts as an
387 agent of the department under this subsection is not liable for
388 any civil damages as a result of actions taken by him or her,
389 unless he or she is found to be operating outside the scope of
390 the authority and responsibility assigned by the department.

391 (11) Onsite visits by the department or its agent may be
392 conducted at any reasonable time and may include but not be

393 | limited to a review of records in the possession of trauma
 394 | centers, hospitals, emergency medical service providers, local
 395 | or regional trauma agencies, or medical examiners regarding the
 396 | care, transport, treatment, or examination of trauma patients.

397 | (12) Patient care, transport, or treatment records or
 398 | reports, or patient care quality assurance proceedings, records,
 399 | or reports obtained or made pursuant to this section, s.
 400 | 395.3025(4)(f), s. 395.401, s. 395.4015, ~~s. 395.402~~, s. 395.403,
 401 | s. 395.404, s. 395.4045, s. 395.405, s. 395.50, or s. 395.51
 402 | must be held confidential by the department or its agent and are
 403 | exempt from the provisions of s. 119.07(1). Patient care quality
 404 | assurance proceedings, records, or reports obtained or made
 405 | pursuant to these sections are not subject to discovery or
 406 | introduction into evidence in any civil or administrative
 407 | action.

408 | (13) The department may adopt, by rule, the ~~procedures and~~
 409 | process by which it will designate Level I and pediatric select
 410 | trauma centers. Such procedures and process must be used in
 411 | designating ~~annually selecting~~ trauma centers and must be
 412 | consistent with subsections (1)-(8) ~~except in those situations~~
 413 | ~~in which it is in the best interest of, and mutually agreed to~~
 414 | ~~by, all applicants within a service area and the department to~~
 415 | ~~reduce the timeframes.~~

416 | ~~(14) Notwithstanding any other provisions of this section~~
 417 | ~~and rules adopted pursuant to this section, until the department~~
 418 | ~~has conducted the review provided under s. 395.402, only~~
 419 | ~~hospitals located in trauma services areas where there is no~~
 420 | ~~existing trauma center may apply.~~

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421 Section 8. Section 395.405, Florida Statutes, is amended
422 to read:

423 395.405 Rulemaking.—The department shall adopt and enforce
424 all rules necessary to administer ss. 395.401, 395.4015,
425 ~~395.402~~, 395.4025, 395.403, 395.404, and 395.4045.

426 Section 9. This act shall take effect July 1, 2013.