HB517

139750-4

By Representative Johnson (R)

RFD: Health

First Read: 14-MAR-12

ACT NO. 2012-526

ENROLLED, An Act,

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

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

"§22-11D-1.

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

"§22-11D-2.

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

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

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

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

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

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

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

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

"(7) HEALTH CARE CENTER. A hospital that voluntarily participates in a statewide health system and that has been designated as a health care center pursuant to the rules of the board.

1 "(8) REGIONAL COUNCILS. The regional trauma advisory
2 councils.
3 "(9) TRAUMA CENTER. A hospital that voluntarily
4 participates in the statewide trauma system and that has been
5 designated as a trauma center pursuant to the rules of the
6 board.
7 "§22-11D-3.
8 "(a) The board, in consultation with, and having
9 solicited the advice of the council, shall establish and
10 maintain a statewide trauma system that shall include
11 centralized dispatch for participating trauma centers and
12 emergency medical services.
13 "(b) The statewide trauma system shall become
14 operational within 12 months after the State Health Officer
15 certifies to the Governor in writing that the department has
16 sufficient funds to finance its development, implementation,
17 and operation.
18 "(c) The board, in consultation with and having
19 solicited the advice of the council, may establish and
20 maintain other coordinated statewide systems of emergency
21 medical and hospital care for other illnesses, such as stroke.
22 Other statewide coordinated health care systems may be
23 implemented by the board as funds become available to the
24 board.
25 "§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

1 compliance with standards and it has refused or been unable to
2 comply after a reasonable period of time has elapsed. Any
3 medical facility may challenge the board's designation,
4 denial, revocation, suspension, or modification of its trauma
5 center or other health care centers designation pursuant to
6 the contested case provisions of the Alabama Administrative
7 Procedure Act and rules of the board.
8 "(c) No medical facility shall hold itself out to
9 the public as a trauma or other health care center unless it
10 is designated as such by the department.
11 "§22-11D-5.
12 "(a) There is established the Statewide Trauma and
13 Health Care Center Advisory Council to assist in developing
14 regulations and standards necessary to implement this chapter
15 and to serve as consultants to the board on matters related to
16 the statewide trauma system and other health care centers.
17 "(b) The council shall consist of 11 members and be
18 constituted in the following manner:
19 "(1) Four representatives of hospitals, who shall be
20 appointed by the Board of Trustees of the Alabama Hospital
21 Association. Two of the appointees shall be from hospitals
22 located in urban areas and two shall be from hospitals located
23 in rural areas of the state. At least two of the appointees
24 shall be from hospitals that will be designated as trauma
25 centers after the statewide trauma system is established.

1 "(2) Four representatives who shall be licensed
2 physicians, appointed by the Medical Association of the State
3 of Alabama.
4 "(3) One representative of the board who shall be
5 the Medical Director of the EMS and Trauma Division of the
6 department, or his or her designee.
7 "(4) One member who shall be a licensed emergency
8 medical technician, who shall be appointed by the State Health
9 Officer.
10 "(5) The State Health Officer, who shall serve as
11 the chair.
12 "(c) All members of the council shall be appointed
13 for a term of four years, except initial members shall be
14 appointed to terms of from one to four years and shall serve
15 such staggered terms so that members appointed by the Alabama
16 Hospital Association and Medical Association of the State of
17 Alabama may be appointed subsequently each year. The
18 membership of the council shall be inclusive and reflect the
19 racial, gender, geographic, urban/rural, and economic
20 diversity of the state. Vacancies shall be filled in the
21 manner provided for the original appointments. Persons
22 appointed to fill vacancies shall serve the unexpired portions
23 of the terms.
24 "(d) The council shall meet at least twice a year,
25 but may meet more frequently upon the call of the chair. The

council may meet by electronic means and shall establish rules of procedure for its meetings.

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

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

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

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

"§22-11D-6.

"(a) The department shall establish a statewide trauma registry <u>and may establish other registries</u> to collect and analyze data on the incidence, severity, and causes of trauma, including traumatic brain injury <u>and other health care illnesses, such as stroke</u>. The ~~registry~~ <u>registries</u> shall be used to improve the availability and delivery of pre-hospital or out-of-hospital care and hospital trauma <u>or other health</u> care services. Specific data elements of the ~~registry~~ <u>registries</u> shall be defined by rule of the department. Every health care facility that is designated by the department as a

1 trauma or health care center shall furnish data to the
2 ~~registry~~ registries. All other health care facilities shall
3 furnish trauma or other health data as required by rule of the
4 department.
5 "(b) All data collected pursuant to this section
6 shall be held confidential pursuant to state and federal laws,
7 rules, and policies.
8 "§22-11D-7.
9 "(a) The board shall designate, by rule, trauma care
10 regions, so that all parts of the state are within such
11 regions. The regional designations shall be made on the basis
12 of efficiency of delivery of needed trauma care.
13 "(b) The board may establish regional trauma
14 advisory councils as needed. Regional trauma advisory councils
15 shall advise, consult with, and make recommendations to the
16 council on suggested regional modifications to the statewide
17 trauma system that will improve patient care and accommodate
18 specific regional needs. Each regional trauma advisory council
19 shall provide data required by the department or the council
20 to assess the effectiveness of the statewide trauma system.
21 "(c) Each regional trauma advisory council shall
22 have a minimum of 10 members. The membership of regional
23 trauma advisory councils shall be appointed in the same manner
24 as the council is appointed and shall be composed of
25 representatives of the same groups. Additional members may be

appointed pursuant to rules promulgated by the board. The chair of each regional trauma advisory council shall be elected by the members to serve for four years. The members shall represent the demographic composition of the region served, as far as practicable.

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

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

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

"§22-11D-8.

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

1 "(1) Criteria to ensure that severely injured or ill
2 people are promptly transported and treated at designated
3 trauma centers appropriate to the severity of the injury.
4 Minimum criteria shall address emergency medical service
5 trauma triage and transportation guidelines as approved under
6 the board's emergency medical services rules, designation of
7 health care facilities as trauma centers, interhospital
8 transfers, and a trauma system governance structure.
9 "(2) Standards for verification of trauma and health
10 care center status which assign level designations based on
11 resources available within the facility. Standards shall be
12 based upon national guidelines, including, but not limited to,
13 those established by the American College of Surgeons,
14 entitled Hospital and Pre-hospital Resources for Optimal Care
15 of the Injured Patient, and any published appendices thereto.
16 "(3) Communication systems used by participating
17 trauma centers and emergency medical services.
18 "(4) Verification and adjustment of trauma center
19 status.
20 "(5) Specifications for centralized dispatch.
21 "(6) Dividing the state into emergency management
22 services regions to ensure that all parts of the state are
23 within a region. The regional designations shall be made on
24 the basis of efficiency of delivery of needed trauma care.

1 "(7) Establishing regional trauma advisory councils
2 and designating their roles and responsibilities.
3 "(8) Designating levels of trauma centers.
4 "(9) Specifying activation requirements for air
5 ambulances conducting scene flights. The board shall not
6 regulate in any manner the activation or operations of
7 fixed-wing providers that do not conduct scene flights.
8 "(10) Quality assurance requirements and evaluation
9 methodologies.
10 "(11) Statewide trauma registry data elements and
11 data collection.
12 "(12) The board, with the advice and approval of the
13 council, may designate other illnesses, such as stroke, which
14 require coordination of emergency medical hospital care and
15 may develop other statewide programs and registries modeled
16 after the statewide trauma program.
17 "§22-11D-9.
18 "(a) The Statewide Trauma System Fund is created.
19 The department shall distribute funding allocated to the
20 department for the purpose of creating, administering,
21 maintaining, or enhancing the statewide trauma system. The
22 department may apply for, receive, and accept gifts and other
23 payments, including property and services, for the fund from
24 any governmental or other public or private entity or person
25 and may utilize the fund for activities related to the design,

1 administration, operation, maintenance, or enhancement of the
2 statewide trauma system.
3 "(b) The methodology of distribution of funds and
4 allocation of funds shall be established by the council and
5 subsequently adopted by the board, pursuant to the
6 Administrative Procedure Act. Guidelines and parameters for
7 distribution and allocation of funds is the sole prerogative
8 of the council. Fund allocation to trauma centers shall be
9 based upon the designated level of trauma care and the number
10 of qualified patients directed through the trauma centers, as
11 defined by the rules of the board.
12 "(c) Nothing in this chapter shall limit a patient's
13 right to choose the physician, hospital, trauma center, health
14 care center, facility, or other provider of health care
15 services, subject to any limitations, requirements, or
16 mechanisms prescribed in any federal law or law of the State
17 of Alabama.
18 "(d) Nothing in this chapter shall limit a hospital
19 from being designated as a trauma center or any other
20 designated health care center."
21 Section 2. Section 22-11D-10 is added to the Code of
22 Alabama 1975, to read as follows:
23 §22-11D-10.
24 (a) The Statewide Health System Fund is created. The
25 department shall distribute funding allocated to the

1 department for the purpose of creating, administering,
2 maintaining, or enhancing the statewide health system. The
3 department may apply for, receive, and accept gifts and other
4 payments, including property and services, for the fund from
5 any governmental or other public or private entity or person
6 and may utilize the fund for activities related to the design,
7 administration, operation, maintenance, or enhancement of the
8 statewide health system.
9 (b) The methodology of distribution of funds and
10 allocation of funds shall be established by the council and
11 subsequently adopted by the board pursuant to the
12 Administrative Procedure Act. Fund allocation to health care
13 centers shall be based upon the designated level of health
14 care and the number of qualified patients directed through the
15 health care centers, as defined by the rules of the board.
16 (c) Nothing in this chapter shall limit a patient's
17 right to choose the physician, hospital, trauma center, health
18 care center, facility, or other provider of health care
19 services, subject to any limitations, requirements, or
20 mechanisms prescribed in any federal law or law of the State
21 of Alabama.
22 (d) Nothing in this chapter shall limit a hospital
23 from being designated as a trauma center or other designated
24 health care center.

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

1

2

3 _____

4 Speaker of the House of Representatives

5 Kay Ivey

6 President and Presiding Officer of the Senate

7 House of Representatives

8 I hereby certify that the within Act originated in
9 and was passed by the House 17-APR-12, as amended.
10
11 Greg Pappas
12 Clerk
13

14 _____

15

16 Senate 16-MAY-12 Passed

17

APPROVED May 22, 2012

TIME 1:20 p.m.

Robert Bentley
GOVERNOR

Alabama Secretary Of State

Act Num....: 2012-526
Bill Num...: H-517

Recv'd 05/23/12 11:07amSLF

Anson (R)

PONSORS

I HEREBY CERTIFY THAT THE RESOLUTION AS REQUIRED IN SECTION C OF ACT NO. 81-889 WAS ADOPTED AND IS ATTACHED TO THE BILL, H.B. 517

YEAS 98 NAYS 0

GREG PAPPAS, Clerk

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. _____ AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS, Clerk

CONFERENCE COMMITTEE

House Conferees _____

_____

_____

DATE: 1/ 20__

RD 1 RFD

This Bill was referred to the Standing Committee of the Senate on Health and was acted upon by such Committee in session and is by order of the Committee returned therefrom with a favorable report w/amend(s) ____ w/sub ____ by a vote of yeas 5 nays 0 abstain ____ this 25th day of April 2012

_____, Chairperson

DATE: 20__

RF **RD 2 CAL**

DATE: 20__

RE-REFERRED RE-COMMITTED

Committee _____

I hereby certify that the Resolution as required in Section C of Act No. 81-889 was adopted and is attached to the Bill, HB 517.

YEAS 30 **NAYS** 0 Abs

PATRICK HARRIS,
Secretary

FURTHER SENATE ACTION (OVER)

(Continued)

DATE: 5-10-2 RD 3 at

PASSED ✓ PASSED AS AMENDED

YEAS 30 NAYS 0 AB

And was ordered returned forthwith to the H

PATRICK HA

Sec

DATE:

INDEFINITELY POSTPONED YEAS NA

DATE:

RECONSIDERED YEAS NA

CONFERENCE COMMITTEE

Senate Conferees

This bill having been referred to the Commi
Rules pursuant to Senate Rule 23 is reporte
Senate for assignment to the Committee on:

This _____ day of _____, 20

_____, Chair

Date: _____

Rereferred

Committee: _____