

1 SB390  
2 138595-2  
3 By Senators Dial and Holley  
4 RFD: Health  
5 First Read: 15-MAR-12

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8 SYNOPSIS: Under existing law, a statewide trauma  
9 system was established related to the coordination  
10 of pre-hospital and hospital trauma and emergency  
11 medical services. There is a Statewide Trauma  
12 Advisory Council and regional councils operating to  
13 advise the Department of Public Health in the  
14 administration of the statewide trauma system.  
15 Included in the trauma system is the Trauma  
16 Registry which requires reporting on trauma cases  
17 to the Alabama Department of Public Health by  
18 pre-hospital and hospital providers.

19 This bill would authorize the addition of  
20 other health care illnesses which require the  
21 coordination of pre-hospital and hospital care. The  
22 Alabama Department of Public Health would continue  
23 to administer and regulate the programs. Other  
24 registries for reporting on illnesses by  
25 pre-hospital and hospital providers could be  
26 developed.

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

11 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

12 Section 1. Sections 22-11D-1, 22-11D-2, 22-11D-3,  
13 22-11D-4, 22-11D-5, 22-11D-6, 22-11D-7, 22-11D-8, and 22-11D-9  
14 of the Code of Alabama 1975, are amended to read as follows:

15 "§22-11D-1.

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

25 "§22-11D-2.

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

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

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

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

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

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

14           "~~(6)~~ (5) DESIGNATION. A formal determination by the  
15 department that a hospital is capable of providing designated  
16 trauma care as authorized by this chapter.

17           "~~(7)~~ (6) EMERGENCY MEDICAL SERVICE. The organization  
18 responding to a perceived individual's need for immediate  
19 medical care in order to prevent loss of life or aggravation  
20 of physiological or psychological illness or injury.

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

25           "(8) REGIONAL COUNCILS. The regional trauma advisory  
26 councils.

1           "(9) TRAUMA CENTER. A hospital that voluntarily  
2 participates in the statewide trauma system and that has been  
3 designated as a trauma center pursuant to the rules of the  
4 board.

5           "§22-11D-3.

6           "(a) The board, in consultation with, and having  
7 solicited the advice of the council, shall establish and  
8 maintain a statewide trauma and health system that shall  
9 include centralized dispatch for participating trauma and  
10 health care centers and emergency medical services.

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

16           "§22-11D-4.

17           "(a) With the advice of and after approval of the  
18 council, the board may adopt rules for verification and  
19 certification of trauma and health care center status which  
20 assign level designations based on resources available within  
21 the facility. Rules shall be based upon national guidelines,  
22 including, but not limited to, those established by the  
23 American College of Surgeons, the Joint Commission of  
24 Accreditation of Health Care Organizations, in Hospital and  
25 Pre-hospital Resources for Optimal Care of the Injured  
26 Patient, and any published appendices thereto. Rules specific

1 to rural and urban areas shall be developed and adopted by  
2 rule of the board.

3 "(b) Any medical facility that desires to be a  
4 designated trauma or other health care center shall request a  
5 designation from the department whereby the medical facility  
6 agrees to maintain a level of commitment and resources  
7 sufficient to meet the responsibilities and standards required  
8 by the ~~statewide trauma system and the~~ rules promulgated  
9 pursuant to this chapter. The board shall determine by rule  
10 the manner and form of such requests and the standards for  
11 review of such requests. Any medical facility that meets such  
12 standards shall be certified by the department and shall be  
13 included in the ~~statewide~~ trauma or health system. The  
14 department may revoke, suspend, or modify a designation if it  
15 determines that the medical facility is substantially out of  
16 compliance with standards and it has refused or been unable to  
17 comply after a reasonable period of time has elapsed. Any  
18 medical facility may challenge the board's designation,  
19 denial, revocation, suspension, or modification of its ~~trauma~~  
20 ~~center~~ designation pursuant to the contested case provisions  
21 of the Alabama Administrative Procedure Act and rules of the  
22 board.

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

26 "§22-11D-5.

1           "(a) There is established the Statewide Trauma and  
2 Health System Advisory Council to assist in developing  
3 regulations and standards necessary to implement this chapter  
4 and to serve as consultants to the board on matters related to  
5 the statewide trauma ~~system~~ and other systems of care.

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

8           "(1) Four representatives of hospitals, who shall be  
9 appointed by the Board of Trustees of the Alabama Hospital  
10 Association. Two of the appointees shall be from hospitals  
11 located in urban areas and two shall be from hospitals located  
12 in rural areas of the state. At least two of the appointees  
13 shall be from hospitals that will be designated as trauma  
14 centers after the statewide trauma system is established.

15           "(2) Four representatives who shall be licensed  
16 physicians, appointed by the Medical Association of the State  
17 of Alabama.

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

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

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

26           "(c) All members of the council shall be appointed  
27 for a term of four years, except initial members shall be

1 appointed to terms of from one to four years and shall serve  
2 such staggered terms so that members appointed by the Alabama  
3 Hospital Association and Medical Association of the State of  
4 Alabama may be appointed subsequently each year. The  
5 membership of the council shall be inclusive and reflect the  
6 racial, gender, geographic, urban/rural, and economic  
7 diversity of the state. Vacancies shall be filled in the  
8 manner provided for the original appointments. Persons  
9 appointed to fill vacancies shall serve the unexpired portions  
10 of the terms.

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

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

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

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

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

27 "§22-11D-6.



1           "(a) The department shall establish a statewide  
2 trauma registry and may establish other registries to collect  
3 and analyze data on the incidence, severity, and causes of  
4 trauma, including traumatic brain injury and other health care  
5 problems. The ~~registry~~ registries shall be used to improve the  
6 availability and delivery of pre-hospital or out-of-hospital  
7 care and hospital ~~trauma~~ care services. Specific data elements  
8 of the ~~registry~~ registries shall be defined by rule of the  
9 department. Every health care facility that is designated by  
10 the department as a trauma or health care center shall furnish  
11 data to the ~~registry~~ registries. All other health care  
12 facilities shall furnish trauma data as required by rule of  
13 the department.

14           "(b) All data collected pursuant to this section  
15 shall be held confidential pursuant to state and federal laws,  
16 rules, and policies.

17           "§22-11D-7.

18           "(a) The board shall designate, by rule, ~~trauma~~ care  
19 regions, so that all parts of the state are within such  
20 regions. The regional designations shall be made on the basis  
21 of efficiency of delivery of needed ~~trauma~~ care.

22           "(b) The board may establish regional ~~trauma~~  
23 advisory councils as needed. Regional ~~trauma~~ advisory councils  
24 shall advise, consult with, and make recommendations to the  
25 council on suggested regional modifications to the statewide  
26 ~~trauma~~ system that will improve patient care and accommodate  
27 specific regional needs. Each regional ~~trauma~~ advisory council

1 shall provide data required by the department or the council  
2 to assess the effectiveness of the statewide ~~trauma~~ system.

3 "(c) Each regional ~~trauma~~ advisory council shall  
4 have a minimum of 10 members. The membership of regional  
5 ~~trauma~~ advisory councils shall be appointed in the same manner  
6 as the council is appointed and shall be composed of  
7 representatives of the same groups. Additional members may be  
8 appointed pursuant to rules promulgated by the board. The  
9 chair of each regional ~~trauma~~ advisory council shall be  
10 elected by the members to serve for four years. The members  
11 shall represent the demographic composition of the region  
12 served, as far as practicable.

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

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

20 "§22-11D-8.

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

26 "(1) Criteria to ensure that severely injured or ill  
27 people are promptly transported and treated at designated

1 trauma or health care centers appropriate to the severity of  
2 the injury. Minimum criteria shall address emergency medical  
3 service ~~trauma~~ triage and transportation guidelines as  
4 approved under the board's emergency medical services rules,  
5 designation of health care facilities ~~as trauma centers,~~  
6 interhospital transfers, and a ~~trauma~~ system governance  
7 structure.

8 "(2) Standards for verification of trauma and health  
9 care center status which assign level designations based on  
10 resources available within the facility. Standards shall be  
11 based upon national guidelines, including, but not limited to,  
12 those established by the American College of Surgeons,  
13 entitled Hospital and Pre-hospital Resources for Optimal Care  
14 of the Injured Patient, the Joint Commission Accreditation of  
15 Health Care Organizations, and any published appendices  
16 thereto.

17 "(3) Communication systems used by participating  
18 trauma and health care centers and emergency medical services.

19 "(4) Verification and adjustment of ~~trauma~~ center  
20 status.

21 "(5) Specifications for centralized dispatch.

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

26 "(7) Establishing regional ~~trauma~~ advisory councils  
27 and designating their roles and responsibilities.

1           "(8) Designating levels of trauma and health care  
2 centers.

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

7           "(10) Quality assurance requirements and evaluation  
8 methodologies.

9           "(11) Statewide ~~trauma~~ registry data elements and  
10 data collection.

11           "§22-11D-9.

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

22           "(b) The methodology of distribution of funds and  
23 allocation of funds shall be established by the council and  
24 subsequently adopted by the board, pursuant to the  
25 Administrative Procedure Act. Guidelines and parameters for  
26 distribution and allocation of funds is the sole prerogative  
27 of the council. Fund allocation to trauma centers shall be

1 based upon the designated level of trauma care and the number  
2 of qualified patients directed through the trauma centers, as  
3 defined by the rules of the board.

4 "(c) Nothing in this chapter shall limit a patient's  
5 right to choose the physician, hospital, trauma center, health  
6 care center, facility, or other provider of health care  
7 services, subject to any limitations, requirements, or  
8 mechanisms prescribed in any federal law or law of the State  
9 of Alabama.

10 "(d) Nothing in this chapter shall limit a hospital  
11 to be designated as a trauma center or other designated health  
12 care center."

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

15 §22-11D-10.

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

26 (b) The methodology of distribution of funds and  
27 allocation of funds shall be established by the council and

1       subsequently adopted by the board pursuant to the  
2       Administrative Procedure Act. Fund allocation to health care  
3       centers shall be based upon the designated level of health  
4       care and the number of qualified patients directed through the  
5       health care centers, as defined by the rules of the board.

6               (c) Nothing in this chapter shall limit a patient's  
7       right to choose the physician, hospital, trauma center, health  
8       care center, facility, or other provider of health care  
9       services, subject to any limitations, requirements, or  
10      mechanisms prescribed in any federal law or law of the State  
11      of Alabama.

12              (d) Nothing in this chapter shall limit a hospital  
13      to be designated as a trauma center or other designated health  
14      care center.

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