

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

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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           "(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 or other specific health care as authorized by this  
17 chapter.

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

22           "(7) HEALTH CARE CENTER. A hospital that voluntarily  
23 participates in a statewide health system and that has been  
24 designated as a health care center pursuant to the rules of  
25 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

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

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

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

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

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

15 "§22-11D-6.

16 "(a) The department shall establish a statewide  
 17 trauma registry and may establish other registries to collect  
 18 and analyze data on the incidence, severity, and causes of  
 19 trauma, including traumatic brain injury and other health care  
 20 illnesses, such as stroke. The ~~registry~~ registries shall be  
 21 used to improve the availability and delivery of pre-hospital  
 22 or out-of-hospital care and hospital trauma or other health  
 23 care services. Specific data elements of the ~~registry~~  
 24 registries shall be defined by rule of the department. Every  
 25 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

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

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

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

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

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.

