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LEGISLATIVE ACTION

Senate

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House

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Floor: 6/AD/2R

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04/28/2014 07:10 PM

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Senator Grimsley moved the following:

Senate Amendment (with title amendment)

Delete line 365

and insert:

Section 10. Effective upon this act becoming a law,
paragraph (a) of subsection (7) and subsection (14) of section
395.4001, Florida Statutes, are amended to read:

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

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

(a) Is verified by the department to be in substantial
compliance with Level II trauma center standards and ~~has been~~



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12 approved by the department to operate as a Level II trauma
13 center or is designated pursuant to s. 395.4025(13) ~~s.~~
14 ~~395.4025(14)~~.

15 (14) "Trauma center" means a hospital that has been
16 verified by the department to be in substantial compliance with
17 ~~the requirements in~~ s. 395.4025 and has been approved by the
18 department to operate as a Level I trauma center, Level II
19 trauma center, or pediatric trauma center, or is designated by
20 the department as a Level II trauma center pursuant to s.
21 395.4025(13) ~~s. 395.4025(14)~~.

22 Section 11. Effective upon this act becoming a law, present
23 paragraphs (k) through (o) of subsection (1) of section 395.401,
24 Florida Statutes, are redesignated as paragraphs (l) through
25 (p), respectively, a new paragraph (k) is added to that
26 subsection, and present paragraph (k) of that subsection is
27 amended, to read:

28 395.401 Trauma services system plans; approval of trauma
29 centers and pediatric trauma centers; procedures; renewal.—

30 (1)

31 (k) A hospital operating a trauma center may not charge a
32 trauma activation fee greater than \$15,000. This paragraph
33 expires on July 1, 2015.

34 (1)(k) A ~~It is unlawful for any~~ hospital or other facility
35 may not ~~to~~ hold itself out as a trauma center unless it has been
36 so verified or designated pursuant to s. 395.4025(13) ~~s.~~
37 ~~395.4025(14)~~.

38 Section 12. Effective upon this act becoming a law,
39 subsection (5) is added to section 395.402, Florida Statutes, to
40 read:



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41 395.402 Trauma service areas; number and location of trauma
42 centers.—

43 (5) By October 1, 2014, the department must convene the
44 Florida Trauma System Plan Advisory Council in order to review
45 the Trauma System Consultation Report issued by the American
46 College of Surgeons Committee on Trauma dated February 2-5,
47 2013. Based on this review, the advisory council must submit
48 recommendations, including recommended statutory changes, to the
49 President of the Senate and the Speaker of the House of
50 Representatives by February 1, 2015. The advisory council may
51 make recommendations to the State Surgeon General regarding the
52 continuing development of the state trauma system. The advisory
53 council shall consist of nine representatives of an inclusive
54 trauma system appointed by the State Surgeon General as follows:

55 (a) A trauma patient, or a family member of a trauma
56 patient, who has sustained and recovered from severe injuries;

57 (b) A member of the Florida Committee on Trauma;

58 (c) A member of the Association of Florida Trauma
59 Coordinators;

60 (d) A chief executive officer of a nontrauma acute care
61 hospital who is a member of the Florida Hospital Association;

62 (e) A member of the Florida Emergency Medical Services
63 Advisory Council;

64 (f) A member of the Florida Injury Prevention Advisory
65 Council;

66 (g) A member of the Brain and Spinal Cord Injury Program
67 Advisory Council;

68 (h) A member of the Florida Chamber of Commerce; and

69 (i) A member of the Florida Health Insurance Advisory



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70 Board.

71 Section 13. Effective upon this act becoming a law, present
72 subsections (8) through (12) of section 395.4025, Florida
73 Statutes, are redesignated as subsections (7) through (11),
74 respectively, paragraph (d) of subsection (2) and present
75 subsection (7) of that section are amended, present subsections
76 (13) and (14) of that section are redesignated as subsections
77 (12) and (13), respectively, and amended, and a new subsection
78 (14) and subsection (15) are added to that section, to read:

79 395.4025 Trauma centers; selection; quality assurance;
80 records.—

81 (2)

82 (d)1. Notwithstanding other provisions in this section, the
83 department may grant up to an additional 18 months to a hospital
84 applicant that is unable to meet all requirements as provided in
85 paragraph (c) at the time of application if the number of
86 applicants in the service area in which the applicant is located
87 is equal to or less than the service area allocation, as
88 provided by rule of the department. An applicant that is granted
89 additional time under ~~pursuant to~~ this paragraph shall submit a
90 plan for departmental approval which includes timelines and
91 activities that the applicant proposes to complete in order to
92 meet application requirements. An ~~Any~~ applicant that
93 demonstrates an ongoing effort to complete the activities within
94 the timelines outlined in the plan shall be included in the
95 number of trauma centers at such time that the department has
96 conducted a provisional review of the application and has
97 determined that the application is complete and that the
98 hospital has the critical elements required for a trauma center.



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99 2. Timeframes provided in subsections (1)-(7) ~~(1)-(8)~~ shall
100 be stayed until the department determines that the application
101 is complete and that the hospital has the critical elements
102 required for a trauma center.

103 ~~(7) Any hospital that wishes to protest a decision made by~~
104 ~~the department based on the department's preliminary or in-depth~~
105 ~~review of applications or on the recommendations of the site~~
106 ~~visit review team pursuant to this section shall proceed as~~
107 ~~provided in chapter 120. Hearings held under this subsection~~
108 ~~shall be conducted in the same manner as provided in ss. 120.569~~
109 ~~and 120.57. Cases filed under chapter 120 may combine all~~
110 ~~disputes between parties.~~

111 (12)~~(13)~~ The department may adopt, by rule, the procedures
112 and process by which it will select trauma centers. Such
113 procedures and process must be used in annually selecting trauma
114 centers and must be consistent with subsections (1)-(7) ~~(1)-(8)~~
115 except in those situations in which it is in the best interest
116 of, and mutually agreed to by, all applicants within a service
117 area and the department to reduce the timeframes.

118 (13)~~(14)~~ Notwithstanding the procedures established
119 pursuant to subsections (1)-(12) ~~(1) through (13)~~, hospitals
120 located in areas with limited access to trauma center services
121 shall be designated by the department as Level II trauma centers
122 based on documentation of a valid certificate of trauma center
123 verification from the American College of Surgeons. Areas with
124 limited access to trauma center services are defined by the
125 following criteria:

126 (a) The hospital is located in a trauma service area with a
127 population greater than 600,000 persons but a population density



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128 of less than 225 persons per square mile;

129 (b) The hospital is located in a county with no verified
130 trauma center; and

131 (c) The hospital is located at least 15 miles or 20 minutes
132 travel time by ground transport from the nearest verified trauma
133 center.

134 (14) Notwithstanding any other law, a hospital designated
135 as a provisional or verified as a Level I, Level II, or
136 pediatric trauma center after the enactment of chapter 2004-259,
137 Laws of Florida, whose approval has not been revoked may
138 continue to operate at the same trauma center level as a Level
139 I, Level II, or pediatric trauma center until the approval
140 period in subsection (6) expires, as long as the hospital
141 continues to meet the other requirements of part II of this
142 chapter related to trauma center standards and patient outcomes.
143 Any hospital that meets the requirements of this section is
144 eligible for renewal of its 7-year approval period pursuant to
145 subsection (6).

146 (15) The department may not verify, designate, or
147 provisionally approve any hospital to operate as a trauma center
148 through the procedures established in subsections (1)-(13). This
149 subsection expires July 1, 2015.

150 Section 14. Except as otherwise expressly provided in this
151 act and except for this section, which shall take effect upon
152 becoming a law, this act shall take effect July 1, 2014.

154 ===== T I T L E A M E N D M E N T =====

155 And the title is amended as follows:

156 Delete line 48



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157 and insert:
158 amending s. 395.4001, F.S.; conforming cross-
159 references; amending s. 395.401, F.S.; limiting trauma
160 service fees to a certain amount; providing for future
161 expiration; conforming a cross-reference; amending s.
162 395.402, F.S.; requiring the Department of Health to
163 convene the Florida Trauma System Plan Advisory
164 Council by a specified date; requiring the advisory
165 council to review the Trauma System Consultation
166 Report and make recommendations to the Legislature by
167 a specified date; authorizing the advisory council to
168 make recommendations to the State Surgeon General;
169 designating the membership of the advisory council;
170 amending s. 395.4025, F.S.; deleting a provision
171 relating to the procedure for protesting an
172 application decision by the department; conforming
173 cross-references; authorizing certain provisional and
174 verified trauma centers to continue operating and to
175 apply for renewal; restricting the department from
176 verifying, designating, or provisionally approving
177 hospitals as trauma centers; providing for future
178 expiration; providing effective dates.