

The Senate Health and Human Services Committee offered the following substitute to SB 60:

A BILL TO BE ENTITLED  
AN ACT

1 To amend Title 31 of the Official Code of Georgia Annotated, relating to health, so as to  
2 establish the Georgia Trauma Care Network Commission; to provide for its composition,  
3 membership, duties, and responsibilities; to create the Georgia Trauma Trust Fund and  
4 provide for its management and use; to provide for related matters; to repeal conflicting laws;  
5 and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

7 Title 31 of the Official Code of Georgia Annotated, relating to health, is amended by adding  
8 a new Article 5 to Chapter 11 to read as follows:  
9

"ARTICLE 5

10  
11 31-11-100.

12 As used in this article, the term:

13 (1) 'Trauma center' means a facility designated by the Department of Human Resources  
14 as a Level I, II, III, or IV trauma center.

15 (2) 'Trauma patient' means a patient who is on the State Trauma Registry or the National  
16 Trauma Registry of the American College of Surgeons.

17 (3) 'Trauma service codes' means the ICDA-9-CM discharge codes designated as trauma  
18 service codes by the American College of Surgeons, Committee on Trauma.

19 (4) 'Uncompensated' means care provided by a designated trauma center, emergency  
20 medical services provider, or physician to a trauma patient as defined by the Georgia  
21 Trauma Care Network Commission who:

22 (A) Has no medical insurance, including federal Medicare Part B coverage;

23 (B) Is not eligible for medical assistance coverage;

1 (C) Has no medical coverage for trauma care through workers' compensation,  
2 automobile insurance, or any other third party, including any settlement or judgment  
3 resulting from such coverage; and

4 (D) Has not paid for the trauma care provided by the trauma provider after documented  
5 attempts by the trauma care services provider to collect payment.

6 31-11-101.

7 (a) There is created the Georgia Trauma Care Network Commission which is assigned to  
8 the Department of Human Resources for administrative purposes only, as prescribed in  
9 Code Section 50-4-3. The commission shall consist of nine members who shall be  
10 appointed as provided in this Code section. Five members shall be appointed by the  
11 Governor. The Governor shall include among his or her appointees a physician who is  
12 actively involved in providing emergency trauma care, a representative of a hospital that  
13 is a designated trauma center, and a representative of a state 9-1-1 zone licensed emergency  
14 medical services provider. Two members shall be appointed by the Lieutenant Governor.  
15 Two members shall be appointed by the Speaker of the House of Representatives. In  
16 making the initial appointments, the Governor shall appoint three members for a term of  
17 four years and two members for a term of two years, the Lieutenant Governor shall appoint  
18 one member for a term of four years and one member for a term of two years, and the  
19 Speaker of the House of Representatives shall appoint one member for a term of four years  
20 and one member for a term of two years. Thereafter, persons appointed to succeed the  
21 initial members shall serve four-year terms of office. The Governor shall appoint one of  
22 the members to serve as the chairperson of the commission.

23 (b) The commission shall meet upon the call of the chairperson or upon the request of  
24 three members. The commission shall organize itself as it deems appropriate and may elect  
25 additional officers from among its members.

26 (c) Any vacancy on the commission shall be filled for the unexpired term by appointment  
27 by the original appointing authority.

28 (d) Members of the commission shall serve without compensation but shall receive the  
29 same expense allowance per day as that received by a member of the General Assembly  
30 for each day such member of the commission is in attendance at a meeting of such  
31 commission, plus either reimbursement for actual transportation costs while traveling by  
32 public carrier or the same mileage allowance for use of a personal car in connection with  
33 such attendance as members of the General Assembly receive. Such expense and travel  
34 allowance shall be paid in lieu of any per diem, allowance, or other remuneration now  
35 received by any such member for such attendance.

1 31-11-102.

2 The Georgia Trauma Care Network Commission shall have the following duties and  
3 responsibilities:

4 (1) To apply for, receive, and administer state funds appropriated to the commission and  
5 federal funds and grants, private grants and donations, and other funds and donations.

6 The commission's annual distributions shall be capped and limited to funds received from  
7 the sources specified in this paragraph. The commission shall ensure that its funds are  
8 not used as a supplement or secondary payor to any other third-party payor;

9 (2) For the first two fiscal years in which funds are appropriated to the commission for  
10 distribution, to distribute such funds in the following areas with the priority for  
11 distribution to be set by majority vote of the commission:

12 (A) Physician uncompensated trauma care services provided in designated trauma  
13 centers;

14 (B) Emergency medical service uncompensated trauma care services provided to  
15 patients transported to designated trauma centers;

16 (C) Uncompensated trauma care services of designated trauma centers;

17 (D) Trauma care readiness costs for designated or certified trauma care service  
18 providers; and

19 (E) Trauma care service start-up costs for providers seeking a trauma care designation  
20 or certification,

21 The commission shall adopt a formula that prioritizes the distribution of state  
22 appropriated funds that may be implemented during the third state fiscal year in which  
23 funds are appropriated to the commission for distribution. Such formula shall be  
24 evaluated and modified, if needed, every two years thereafter;

25 (3) To develop, implement, administer, and maintain a system to compensate designated  
26 trauma centers for a portion of their cost of readiness through a semiannual distribution  
27 from the Georgia Trauma Trust Fund in a standardized amount determined by the  
28 commission. The standardized amounts shall be determined according to designation  
29 level and shall be capped at that specific amount. Initially, such standardized amount  
30 shall be based upon a three-year average of annual trauma cases, annual amount of  
31 uncompensated trauma care services administered, and a three-year annual average cost  
32 of readiness. Such criteria may be changed by a majority vote of the commission. Total  
33 annual distributions for trauma center and emergency medical service readiness shall be  
34 capped at an amount set by the commission. However, the standards developed by the  
35 commission for readiness shall include, but are not limited to, the following:

36 (A) Criteria assuring the trauma fund is a payor of last resort;

1 (B) Criteria assuring that all other resources must be exhausted before the trauma funds  
2 are allocated; and

3 (C) Criteria assuring that trauma funds must be used to meet a verified need that assists  
4 the trauma center to maintain a trauma center designation;

5 (4) To develop, implement, administer, and maintain a system to provide additional  
6 designated trauma center compensation to cover trauma center costs not associated with  
7 readiness based upon an application and review based process. These distributions shall  
8 be capped and limited to semiannual appropriations received by the commission.  
9 Designated trauma centers shall submit an application for trauma funds reimbursement  
10 semiannually. The application process developed by the commission for such costs shall  
11 include, but is not limited to, the following:

12 (A) Criteria assuring that the trauma fund is a payor of last resort;

13 (B) Criteria assuring that trauma funds shall be used for reimbursement for services  
14 provided to designated trauma patients;

15 (C) Criteria assuring that trauma funds shall be used for reimbursement for trauma  
16 service codes;

17 (D) Criteria assuring that trauma funds used for reimbursement for trauma care costs  
18 shall be on a fee schedule or grant basis; provided, however, that no reimbursement  
19 shall exceed the average rate reimbursed for similar services under the State Health  
20 Benefit Plan; and

21 (E) Criteria that require the trauma center to submit a semiannual report documenting  
22 and verifying the use of such funds;

23 (5) To develop, implement, administer, and maintain a system to compensate physicians  
24 who provide uncompensated call and trauma care services. This reimbursement shall be  
25 distributed on a semiannual basis and paid on a formula to be set by the commission. The  
26 call hours must be documented and verified by the trauma director at the appropriate  
27 trauma center in order to receive such funds. The formula developed by the commission  
28 for reimbursement shall include, but is not limited to, the following:

29 (A) Criteria assuring that the trauma fund is a payor of last resort;

30 (B) Criteria assuring that trauma funds shall be used for reimbursement for services  
31 provided to designated trauma patients;

32 (C) Criteria assuring that trauma funds used for reimbursement for physician costs  
33 shall be on a fee schedule or grant basis; provided, however, that no reimbursement  
34 shall exceed the average rate reimbursed for similar services under the State Health  
35 Benefit Plan; and

36 (D) Criteria assuring that trauma funds shall be used for reimbursement for trauma  
37 service codes;

1 (6) To reserve and disburse additional moneys to increase the number of participants in  
2 the Georgia trauma system. These funds shall be disbursed through an application process  
3 to cover partial start-up costs for nondesignated acute care facilities to enter the system  
4 as Level II, III, or IV trauma centers. The application process developed by the  
5 commission for start-up costs shall include, but is not limited to, the following:

6 (A) Criteria assuring that the trauma fund is a payor of last resort;

7 (B) Criteria assuring that all other resources for start-up costs must be exhausted before  
8 the trauma funds are allocated;

9 (C) Criteria assuring that the distribution of trauma funds will result in the applicant's  
10 achieving a trauma designation as defined by the commission within the time frame  
11 specified on the application;

12 (D) Criteria assuring and verifying that the Department of Human Resources has  
13 determined that there is a need for an additional trauma center with the designation that  
14 the applicant is seeking; and

15 (E) Criteria assuring that no more than 15 percent of the total annual distribution from  
16 the trauma fund total shall be distributed for new trauma center development;

17 (7)(A) To develop, implement, administer, and maintain a system to compensate  
18 members of the emergency medical service transportation community for readiness and  
19 uncompensated trauma care.

20 (B) The compensation for the cost of readiness shall be through an application process  
21 adopted by the commission. The application process developed by the commission for  
22 readiness costs shall include, but is not limited to, the following:

23 (i) Criteria assuring that the trauma fund is a payor of last resort;

24 (ii) Criteria assuring that all other resources for readiness costs must be exhausted  
25 before the trauma funds are allocated;

26 (iii) Criteria assuring that the distribution of trauma funds will result in the  
27 applicant's achieving certification as defined by the commission within the time  
28 frame specified on the application; and

29 (iv) Criteria assuring and verifying that the Department of Human Resources has  
30 determined that there is a need for an additional emergency medical services with the  
31 certification that the applicant is seeking.

32 (C) The commission shall develop a formula for reimbursing emergency medical  
33 services uncompensated trauma care services. The formula developed by the  
34 commission for reimbursement shall include, but is not limited to, the following:

35 (i) Criteria assuring that the trauma fund is a payor of last resort;

36 (ii) Criteria assuring that trauma funds shall be used for reimbursement for services  
37 provided to designated trauma patients; and

1 (iii) Criteria assuring that trauma funds used for reimbursement of emergency  
2 medical service costs shall be on a fee schedule or grant basis; provided, however,  
3 that no reimbursement shall exceed the average rate reimbursed for similar services  
4 under the State Health Benefit Plan;

5 (8) To appropriate, out of the Georgia Trauma Trust Fund, annual moneys for investment  
6 in a state-wide air and ground system specifically for trauma system transportation. The  
7 purpose of this system is to provide immediate air and ground transport to trauma victims  
8 anywhere in the state, free of charge. The commission shall promulgate rules and  
9 regulations for such system and shall pursue contracts with existing state transportation  
10 structures or create a contractual arrangement with existing transportation organizations.  
11 The commission shall also be responsible for creating, maintaining, and overseeing a  
12 foundation to raise funds specifically for investment in this system and overall trauma  
13 funding;

14 (9) To act as the accountability mechanism for the entire Georgia trauma system,  
15 primarily overseeing the flow of funds from the Georgia Trauma Trust Fund into the  
16 system. The State Office of EMS/Trauma shall receive an annual distribution from the  
17 commission of not more than 3 percent of the total annual distribution from the fund in  
18 the fiscal year. These funds shall be used for the administration of an adequate system  
19 for monitoring state-wide trauma care, recruitment of trauma care service providers into  
20 the network as needed, and for research as needed to continue to operate and improve the  
21 system;

22 (10) To coordinate its activities with the Department of Human Resources;

23 (11) To employ and manage staff and consultants in order to fulfill its duties and  
24 responsibilities under this article;

25 (12) To establish, maintain, and administer a trauma center network to coordinate the  
26 best use of existing trauma facilities in this state and to direct patients to the best available  
27 facility for treatment of traumatic injury;

28 (13) To coordinate, assist, establish, maintain, and administer programs designed to  
29 educate the citizens of this state on trauma prevention;

30 (14) To coordinate and assist in the collection of data to evaluate the provision of trauma  
31 care services in this state;

32 (15) To study the provision of trauma care services in this state to determine the best  
33 practices and methods of providing such services, to determine what changes are needed  
34 to improve the provision of trauma care services, and to report any proposed legislative  
35 changes to the General Assembly each year; and

36 (16) To employ an executive director and other staff and to establish duties and  
37 responsibilities of such persons.

1 31-11-103.

2 (a) There is established the Georgia Trauma Trust Fund. The executive director of the  
3 Georgia Trauma Care Network Commission shall serve as the trustee of the Georgia  
4 Trauma Trust Fund. The moneys deposited into such fund pursuant to this article may be  
5 expended by the executive director with the approval of the Georgia Trauma Care Network  
6 Commission for those purposes specified in Code Section 31-11-102.

7 (b) Any interest earned on the corpus of the Georgia Trauma Trust Fund shall not become  
8 a part thereof but shall be paid over to the commission to be utilized by the commission for  
9 the administration of the fund. Any funds not expended for this purpose in the fiscal year  
10 in which they are generated shall be deposited into the state treasury. This Code section  
11 shall not be construed so as to allow the commission to retain any funds required by the  
12 Constitution of Georgia to be paid into the state treasury. The commission shall comply  
13 with all provisions of Part 1 of Article 4 of Chapter 12 of Title 45, known as the 'Budget  
14 Act'; provided, however, that the commission shall be exempt from the provisions of Code  
15 Section 45-12-92, which requires payment into the state treasury of moneys collected by  
16 state agencies."

17 **SECTION 2.**

18 All laws and parts of laws in conflict with this Act are repealed.