

Senate Bill 156

By: Senators Staton of the 18th, Adelman of the 42nd, Thomas of the 54th, Goggans of the 7th, Golden of the 8th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 11 of Title 31 of the Official Code of Georgia Annotated, relating to
2 emergency medical services, so as to extensively revise the duties of the Georgia Trauma
3 Care Network Commission; to revise definitions relating to trauma care; to provide for duties
4 of the State Office of EMS/Trauma relating to the state-wide trauma network; to revise
5 funding priorities; to abolish the Georgia Trauma Trust Fund; to establish the State Office
6 of EMS/Trauma; to provide for related matters; to repeal conflicting laws; and for other
7 purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Chapter 11 of Title 31 of the Official Code of Georgia Annotated, relating to emergency
11 medical services, is amended by revising Article 5, relating to the Georgia Trauma Care
12 Network Commission, as follows:

13 "ARTICLE 5

14 31-11-100.

15 As used in this article, the term:

16 (1) 'Readiness' means:

17 (A) Maintaining a hospital's designation as a trauma center and its readiness to treat
18 seriously injured patients at any time;

19 (B) Maintaining multispecialty medical staff support for trauma patient care; 24 hour
20 operating room availability; necessary staff in the emergency department, laboratory,
21 and radiology department to maintain 24 hour availability; trauma center management
22 support; training of providers; trauma physician support personnel; injury prevention
23 and outreach programs; social services and family support; and transportation services;

24 (C) Equipment necessary to maintain trauma center status;

25 (D) Providing uncompensated care by hospitals, physicians, and other health care
 26 providers to patients who are seriously injured and are transported to a hospital due to
 27 its status as a designated trauma center;

28 (E) Maintaining a communications system among trauma care providers, hospitals, and
 29 emergency medical services providers to assure prompt access to the most appropriate
 30 hospital; and

31 (F) Emergency medical services to support ambulance service availability for transport
 32 of trauma patients.

33 (2) 'State Office of EMS/Trauma' means the office established pursuant to Code
 34 Section 31-11-13.

35 ~~(1)~~(3) 'Trauma center' means a facility which is:

36 (A) Designated ~~designated~~ by the Department of Human Resources State Office of
 37 EMS/Trauma as a Level I, II, III, or IV trauma center pursuant to rules and regulations
 38 established by the Georgia Trauma Care Network Commission, which may be
 39 substantially based on the criteria set forth by the American College of Surgeons;

40 (B) Designated by the State Office of EMS/Trauma as a burn center pursuant to rules
 41 and regulations established by the Georgia Trauma Care Network Commission; or

42 (C) Meets the requirements of subparagraphs (A) and (B) of this paragraph.

43 (4) 'Trauma network' means the state-wide trauma system established pursuant to this
 44 article of hospitals, emergency medical services providers, physicians, and other health
 45 care personnel to provide emergent care within a system planning and policy-making
 46 structure at local, regional, and state levels and of a comprehensive communications
 47 system among network members, which may include, if appropriate, members outside
 48 the state but in close proximity to the state, designed to ensure prompt delivery of
 49 appropriate trauma care for the state.

50 ~~(2)~~(5) 'Trauma patient' means a patient who, if presenting at a trauma center, would
 51 qualify for is on the State Trauma Registry pursuant to rules and regulations established
 52 by the Georgia Trauma Care Network Commission or the National Trauma Registry of
 53 the American College of Surgeons.

54 ~~(3) 'Trauma service codes' means the ICD-9-CM discharge codes designated as trauma~~
 55 ~~service codes by the American College of Surgeons, Committee on Trauma.~~

56 ~~(4)~~(6) 'Uncompensated care' means care provided by a designated trauma center,
 57 emergency medical services provider, or physician treatment provided to a trauma patient
 58 as defined by the Georgia Trauma Care Network Commission who by physicians or a
 59 trauma center or its medical staff or transportation provided to a trauma patient by an
 60 ambulance service that meets rules and regulations established by the Georgia Trauma
 61 Care Network Commission when such patient:

- 62 (A) Has no medical insurance, including federal Medicare Part B coverage;
- 63 (B) Is not eligible for medical assistance coverage;
- 64 (C) Has no medical coverage for trauma care through workers' compensation,
- 65 automobile insurance, or any other third party, including any settlement or judgment
- 66 resulting from such coverage; and
- 67 (D) Has not paid at least 10 percent of total charges for the trauma care provided by the
- 68 trauma provider after documented attempts by the trauma care services provider to
- 69 collect payment.

70 31-11-101.

71 (a) There is created the Georgia Trauma Care Network Commission which is assigned to

72 the ~~Department of Human Resources~~ department for administrative purposes only, as

73 prescribed in Code Section 50-4-3. The commission shall consist of nine members who

74 shall be appointed as provided in this Code section. Five members shall be appointed by

75 the Governor. The Governor shall include among his or her appointees a physician who

76 is actively involved in providing emergency trauma care, a representative of a hospital that

77 is a designated trauma center, and a representative of a state 9-1-1 zone licensed emergency

78 medical services provider. Two members shall be appointed by the Lieutenant Governor.

79 Two members shall be appointed by the Speaker of the House of Representatives. In

80 making the initial appointments, the Governor shall appoint three members for a term of

81 four years and two members for a term of two years, the Lieutenant Governor shall appoint

82 one member for a term of four years and one member for a term of two years, and the

83 Speaker of the House of Representatives shall appoint one member for a term of four years

84 and one member for a term of two years. Thereafter, persons appointed to succeed the

85 initial members shall serve four-year terms of office. The Governor shall appoint one of

86 the members to serve as the chairperson of the commission.

87 (b) The commission shall meet upon the call of the chairperson or upon the request of

88 three members. ~~The commission shall organize itself as it deems appropriate and may elect~~

89 ~~additional officers from among its members.~~

90 (c) The commission shall establish rules and regulations in accordance with Chapter 13

91 of Title 50, the 'Georgia Administrative Procedure Act,' to effectuate the purposes of this

92 article.

93 ~~(e)~~(d) Any vacancy on the commission shall be filled for the unexpired term by

94 appointment by the original appointing authority.

95 ~~(d)~~(e) Members of the commission shall serve without compensation but shall receive the

96 same expense allowance per day as that received by a member of the General Assembly

97 for each day such member of the commission is in attendance at a meeting of such

98 commission, plus either reimbursement for ~~actual~~ reasonable transportation costs while
 99 traveling by public carrier or the same mileage allowance for use of a personal car in
 100 connection with such attendance as members of the General Assembly receive. Such
 101 expense and travel allowance shall be paid in lieu of any per diem, allowance, or other
 102 remuneration now received by any such member for such attendance.

103 (f) Responsibilities of the commission shall include the following:

104 (1) To review and recommend funding sources that will ensure maintenance of the
 105 state-wide trauma network to include fees, waiver programs, and increases in Medicaid
 106 reimbursement;

107 (2) With the support and expertise of the State Office of EMS/Trauma and outside
 108 parties as needed, to formulate policy and establish rules and regulations which shall
 109 guide and govern the development, operations, and evaluation of the state-wide trauma
 110 network.

111 (3) To create and update on an annual basis a strategic plan for operations of the trauma
 112 network; and

113 (4) To establish and monitor outcomes measures and accountability standards for the
 114 trauma network as a whole and for individual trauma network members based on best
 115 practices and findings reported by the State Office of EMS/Trauma, to annually report
 116 such findings to the Governor and the General Assembly, and to ensure that actions are
 117 taken based on the findings.

118 31-11-102.

119 (a) The Georgia Trauma Care Network Commission shall ~~have the~~ establish policy for the
 120 State Office of EMS/Trauma in carrying out the following duties and responsibilities:

121 (1) To serve as the lead agency, under the commission's policy-making authority, for
 122 trauma network development, operations, and evaluation in Georgia, including serving
 123 as the regulatory and administrative authority for the trauma network.

124 ~~(1)(2)~~ (2) To apply for, receive, and administer state funds appropriated to the commission
 125 and federal funds and grants, private grants and donations, and other funds and donations
 126 appropriated or donated for purposes of the operation, maintenance, and oversight of a
 127 state-wide trauma network. The commission's annual distributions for the trauma
 128 network shall be capped and limited to funds received from the sources specified in this
 129 paragraph. ~~The commission shall ensure that its funds are not used as a supplement or~~
 130 secondary payor to any other third-party payor;

131 ~~(2)(3)~~ (3) For the first two fiscal years in which funds are appropriated to the commission
 132 for distribution, to To distribute such funds in the following areas with based on the

133 priority for distribution ~~to be set by majority vote of the commission~~ established by this
 134 paragraph.

135 (A) These priorities shall include the following order of priorities for state funds,
 136 recognizing that the state's primary obligation is to establish readiness:

137 ~~(A) Physician uncompensated trauma care services provided in designated trauma~~
 138 ~~centers;~~

139 ~~(B) Emergency medical service uncompensated trauma care services provided to~~
 140 ~~patients transported to designated trauma centers;~~

141 ~~(C) Uncompensated trauma care services of designated trauma centers;~~

142 ~~(D) Trauma care readiness costs for designated or certified trauma care service~~
 143 ~~providers; and~~

144 ~~(E) Trauma care service start-up costs for providers seeking a trauma care designation~~
 145 ~~or certification:~~

146 (i) Maintenance and expansion of the trauma network, particularly in regions of the
 147 state with the greatest need;

148 (ii) Strengthening emergency medical services, particularly in rural areas;

149 (iii) Developing state-wide trauma transfer/communications systems;

150 (iv) Building trauma network infrastructure within the State Office of EMS/Trauma;
 151 and

152 (v) Establishing mechanisms to assure exceptional accountability.

153 (B) Other priorities may include, as set by majority vote of the commission and only
 154 after the priorities in subparagraph (A) of this paragraph are distributed, the following,
 155 with any available funds:

156 (i) Support for costs of recruiting and maintaining physician support for maintaining
 157 readiness;

158 (ii) Any other costs incurred by physicians who participate in the readiness of a
 159 hospital;

160 (iii) Support for costs of uninsured trauma patients who are treated in a designated
 161 trauma center and who need care in a rehabilitation center;

162 (iv) Support for costs of uninsured patients who require burn care in a designated
 163 burn center;

164 (v) Support for costs of uninsured patients who require stroke assessment and
 165 treatment at or through telemedicine based at a designated stroke center;

166 (vi) Support for initiatives to reduce traumatic injury in Georgia;

167 (vii) Support for planning, policy development, and administration by the
 168 commission; and

169 (viii) Support for costs to assure accountability for funds expended pursuant to this
 170 paragraph:

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

175 (4) To distribute such funds, capped by the amount appropriated or received for the
 176 purposes of the commission, based on a fee or grant schedule which takes into
 177 consideration the number and severity of patients served, the percentage of patients
 178 receiving uncompensated care, and the amount of uncompensated care physicians
 179 provided to patients. The commission shall have discretion to give added weight in the
 180 funding formula to support trauma centers which incur a greater burden of
 181 uncompensated care;

182 (5) To annually prepare a proposed budget based on the prioritized needs established by
 183 the commission. The budget shall be approved by majority vote of the commission.
 184 Nothing in this Code section shall be construed to grant authority to the commission to
 185 approve or reject the budget for the State Office of EMS/Trauma; and

186 ~~(3)(6) To develop, implement, and administer, and maintain a system to compensate~~
 187 ~~designated trauma centers for a portion of their cost of readiness through in which~~
 188 ~~participants submit a detailed statement of readiness costs in order to receive a~~
 189 ~~semiannual distribution of funds, with criteria for uncompensated care assuring that from~~
 190 ~~the Georgia Trauma Trust Fund in a standardized amount determined by the commission.~~
 191 ~~The standardized amounts shall be determined according to designation level and shall~~
 192 ~~be capped at that specific amount. Initially, such standardized amount shall be based~~
 193 ~~upon a three-year average of annual trauma cases, annual amount of uncompensated~~
 194 ~~trauma care services administered, and a three-year annual average cost of readiness.~~
 195 ~~Such criteria may be changed by a majority vote of the commission. Total annual~~
 196 ~~distributions for trauma center and emergency medical service readiness shall be capped~~
 197 ~~at an amount set by the commission. However, the standards developed by the~~
 198 ~~commission for readiness shall include, but are not limited to, the following:~~

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

200 ~~(B) Criteria assuring that all All other resources must be are exhausted before the~~
 201 ~~trauma funds are allocated and that the appropriate funds represent the payor of last~~
 202 ~~resort; and~~

203 ~~(C)(B) Criteria assuring that trauma Trauma funds must be are used to meet a verified~~
 204 ~~need that assists the trauma center to maintain a trauma center designation;~~

205 (C) Trauma funds are used for reimbursement for services provided by designated
 206 trauma centers and the physicians providing services at those hospitals and for
 207 emergency medical services providers who transport trauma patients without regard to
 208 a hospital's designation; and

209 (D) Trauma funds used for reimbursement for trauma care costs are on a fee schedule
 210 or grant basis; provided, however, that no reimbursement shall exceed the average rate
 211 reimbursed for similar services under the State Health Benefit Plan or another fee
 212 schedule approved by the commission.

213 (b) With the approval of the commission, the State Office of EMS/Trauma is authorized
 214 to contract with third parties to effectuate its duties under this Code section.

215 ~~(4) To develop, implement, administer, and maintain a system to provide additional~~
 216 ~~designated trauma center compensation to cover trauma center costs not associated with~~
 217 ~~readiness based upon an application and review based process. These distributions shall~~
 218 ~~be capped and limited to semiannual appropriations received by the commission.~~
 219 ~~Designated trauma centers shall submit an application for trauma funds reimbursement~~
 220 ~~semiannually. The application process developed by the commission for such costs shall~~
 221 ~~include, but is not limited to, the following:~~

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

223 ~~(B) Criteria assuring that trauma funds shall be used for reimbursement for services~~
 224 ~~provided to designated trauma patients;~~

225 ~~(C) Criteria assuring that trauma funds shall be used for reimbursement for trauma~~
 226 ~~service codes;~~

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

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

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

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

240 ~~(B) Criteria assuring that trauma funds shall be used for reimbursement for services~~
 241 ~~provided to designated trauma patients;~~

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

246 ~~(D) Criteria assuring that trauma funds shall be used for reimbursement for trauma~~
247 ~~service codes;~~

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

253 ~~(A) Criteria assuring that the trauma fund is a payor of last resort;~~
254 ~~(B) Criteria assuring that all other resources for start-up costs must be exhausted before~~
255 ~~the trauma funds are allocated;~~

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

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

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

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

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

270 ~~(i) Criteria assuring that the trauma fund is a payor of last resort;~~
271 ~~(ii) Criteria assuring that all other resources for readiness costs must be exhausted~~
272 ~~before the trauma funds are allocated;~~

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

276 ~~(iv) Criteria assuring and verifying that the Department of Human Resources has~~
277 ~~determined that there is a need for additional emergency medical services with the~~
278 ~~certification that the applicant is seeking.~~

279 ~~(C) The commission shall develop a formula for reimbursing emergency medical~~
280 ~~services uncompensated trauma care services. The formula developed by the~~
281 ~~commission for reimbursement shall include, but is not limited to, the following:~~
282 ~~(i) Criteria assuring that the trauma fund is a payor of last resort;~~
283 ~~(ii) Criteria assuring that trauma funds shall be used for reimbursement for services~~
284 ~~provided to designated trauma patients; and~~
285 ~~(iii) Criteria assuring that trauma funds used for reimbursement of emergency~~
286 ~~medical service costs shall be on a fee schedule or grant basis; provided, however,~~
287 ~~that no reimbursement shall exceed the average rate reimbursed for similar services~~
288 ~~under the State Health Benefit Plan;~~

289 ~~(8) To appropriate, out of the Georgia Trauma Trust Fund, annual moneys for investment~~
290 ~~in a system specifically for trauma transportation. The purpose of this system is to~~
291 ~~provide transport to trauma victims where current options are limited. The commission~~
292 ~~shall promulgate rules and regulations for such system and shall pursue contracts with~~
293 ~~existing state transportation structures or create a contractual arrangement with existing~~
294 ~~transportation organizations. The commission shall also be responsible for creating,~~
295 ~~maintaining, and overseeing a foundation to raise funds specifically for investment in this~~
296 ~~system and overall trauma funding;~~

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

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

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

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

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

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

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

319 ~~(16) To employ an executive director and other staff and to establish duties and~~
320 ~~responsibilities of such persons.~~

321 ~~31-11-103.~~

322 ~~There is established the Georgia Trauma Trust Fund. The executive director of the Georgia~~
323 ~~Trauma Care Network Commission shall serve as the trustee of the Georgia Trauma Trust~~
324 ~~Fund. The moneys deposited into such fund pursuant to this article may be expended by~~
325 ~~the executive director with the approval of the Georgia Trauma Care Network Commission~~
326 ~~for those purposes specified in Code Section 31-11-102."~~

327 **SECTION 2.**

328 Said chapter is further amended by adding a new Code section to read as follows:

329 "31-11-13.

330 There is hereby established the State Office of EMS/Trauma which shall have such duties
331 as assigned to it by the department and by law."

332 **SECTION 3.**

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