

AMENDED IN SENATE MAY 3, 2006  
AMENDED IN SENATE APRIL 20, 2006  
AMENDED IN SENATE APRIL 17, 2006

**SENATE BILL**

**No. 1350**

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**Introduced by Senator Romero**

February 17, 2006

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An act to amend Section 1797.199 of, and to add Section 1797.1991 to, the Health and Safety Code, relating to trauma care funding.

LEGISLATIVE COUNSEL'S DIGEST

SB 1350, as amended, Romero. Trauma care funding: regional funding allocations.

Existing law, the Emergency Medical Services System and Prehospital Emergency Medical Care Personnel Act, establishes the Emergency Medical Services Authority within the California Health and Human Services Agency to, among other things, provide statewide coordination of county EMS programs, and to administer the Trauma Care Fund.

Existing law establishes the Trauma Care Fund within the State Treasury and continuously appropriates the funds to the authority for distribution to local trauma care centers. Existing law requires that local emergency services (EMS) agencies that receive funding pursuant to those provisions distribute those funds to eligible trauma centers, as provided.

~~This bill would require that, in order to receive funds pursuant to those provisions, an eligible trauma center submit data requested by the local EMS agency and demonstrate to the local EMS agency that it has appropriately submitted specified data to the local trauma registry.~~

*local EMS agencies to distribute these funds by utilizing a competitive grant-based system that requires a trauma center to demonstrate a need for funding based on the percentage of uninsured patients that the trauma center treats. The bill would require a local EMS agency, in determining the distribution of funds to trauma centers, to consider the volume of uninsured patients treated by the trauma center. By requiring that local EMS agencies comply with those requirements, the bill would impose a state-mandated local program base its decision on whether the grant proposal satisfies one or more of specified criteria.*

This bill would specify that there shall be established in California a statewide inclusive trauma system, for which the authority shall serve as the lead agency, would require the authority to establish trauma care regions, and would require each region to develop a trauma care plan that will provide for trauma care coverage to the entire region. ~~The bill would provide that the statewide inclusive trauma system shall only be implemented if the Director of Finance determines, in writing, that sufficient moneys are available in the Trauma Care Fund for that purpose.~~ *This bill would also require the authority to distribute funds to local EMS agencies within each trauma care region, or, in the alternative, to distribute those funds directly to a trauma care region, if that trauma care region is permitted to directly receive these funds, to accomplish specified criteria related to the establishment of the statewide inclusive trauma region.*

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.  
 State-mandated local program: ~~yes~~-no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 1797.199 of the Health and Safety Code
- 2 is amended to read:

1 1797.199. (a) There is hereby created in the State Treasury,  
2 the Trauma Care Fund, which, notwithstanding Section 13340 of  
3 the Government Code, is hereby continuously appropriated  
4 without regard to fiscal years to the authority for the purposes  
5 specified in subdivision (c).

6 (b) The fund shall contain any moneys deposited in the fund  
7 pursuant to appropriation by the Legislature or from any other  
8 source, as well as, notwithstanding Section 16305.7 of the  
9 Government Code, any interest and dividends earned on moneys  
10 in the fund.

11 (c) Moneys in the fund shall be expended by the authority to  
12 provide for allocations to local EMS agencies, for distribution to  
13 local EMS agency-designated trauma centers provided for by this  
14 chapter.

15 (d) Within 30 days of the effective date of the enactment of an  
16 appropriation for purposes of implementing this chapter, the  
17 authority shall request all local EMS agencies with an approved  
18 trauma plan that includes at least one designated trauma center,  
19 to submit within 45 days of the request the total number of  
20 trauma patients, and the number of trauma patients at each  
21 facility that were reported to the local trauma registry for the  
22 most recent fiscal year for which data are available, pursuant to  
23 Section 100257 of Title 22 of the California Code of Regulations.  
24 However, the local EMS agency's report shall not include any  
25 registry entry that is in reference to a patient who is discharged  
26 from the trauma center's emergency department without being  
27 admitted to the hospital unless the nonadmission is due to the  
28 patient's death or transfer to another facility. Any local EMS  
29 agency that fails to provide these data shall not receive funding  
30 pursuant to this section.

31 (e) Except as provided in subdivision (m), the authority shall  
32 distribute all funds to local EMS agencies with an approved  
33 trauma plan that includes at least one designated trauma center in  
34 the local EMS agency's jurisdiction as of July 1 of the fiscal year  
35 in which funds are to be distributed.

36 (1) The amount provided to each local EMS agency shall be in  
37 the same proportion as the total number of trauma patients  
38 reported to the local trauma registry for each local EMS agency's  
39 area of jurisdiction compared to the total number of all trauma  
40 patients statewide as reported under subdivision (d).

1 (2) The authority shall send a contract to each local EMS  
2 agency that is to receive funds within 30 days of receiving the  
3 required data and shall distribute the funds to a local EMS  
4 agency within 30 days of receiving a signed contract and invoice  
5 from the agency.

6 (f) Local EMS agencies that receive funding under this chapter  
7 shall distribute all those funds to eligible trauma centers, except  
8 that an agency may expend 1 percent for administration. It is the  
9 intent of the Legislature that the funds distributed to eligible  
10 trauma centers be spent on trauma services. The funds shall not  
11 be used to supplant existing funds designated for trauma services  
12 or for training ordinarily provided by the trauma hospital. ~~In~~  
13 ~~order to receive funds pursuant to this section, an eligible trauma~~  
14 ~~center shall submit data requested by the local EMS agency and~~  
15 ~~shall demonstrate to the local EMS agency that it has~~  
16 ~~appropriately submitted that data to the local trauma registry. In~~  
17 ~~determining the distribution of funds to trauma centers, a local~~  
18 ~~EMS agency shall consider the volume of uninsured patients~~  
19 ~~treated by the trauma center. Local EMS agencies shall~~  
20 ~~determine that the use of funds by a trauma center satisfies one or~~  
21 *The local EMS agency shall disburse funds by utilizing a*  
22 *competitive grant-based system. A trauma center that seeks*  
23 *funding from the local EMS agency shall submit a proposal that*  
24 *demonstrates a need for funding due to the trauma center's high*  
25 *percentage of uninsured patients. Local EMS agencies shall*  
26 *determine distribution of funds based on whether the grant*  
27 *proposal satisfies one or more of the following criteria:*

28 (1) The preservation or restoration of specialty physician and  
29 surgeon oncall coverage that is demonstrated to be essential for  
30 trauma services within a specified hospital.

31 (2) The acquisition of equipment that is demonstrated to be  
32 essential for trauma services within a specified hospital.

33 (3) The creation of overflow or surge capacity to allow a  
34 trauma hospital to respond to mass casualties resulting from an  
35 act of terrorism or natural disaster.

36 (4) The coordination or payment of emergency,  
37 nonemergency, and critical care ambulance transportation that  
38 would allow for the time-urgent movement or transfer of  
39 critically injured patients to trauma centers outside of the

1 originating region so that specialty services or a higher level of  
2 care may be provided as necessary without undue delay.

3 (g) A trauma center shall be eligible for funding under this  
4 section if it is designated as a trauma center by a local EMS  
5 agency pursuant to Section 1798.165 and complies with the  
6 requirements of this section. Both public and private hospitals  
7 designated as trauma centers shall be eligible for funding.

8 (h) A trauma center that receives funding under this section  
9 shall agree to remain a trauma center through June 30 of the  
10 fiscal year in which it receives funding. If the trauma center  
11 ceases functioning as a trauma center, it shall pay back to the  
12 local EMS agency a pro rata portion of the funding that has been  
13 received. If there are one or more trauma centers remaining in the  
14 local EMS agency's service area, the local EMS agency shall  
15 distribute the funds among the other trauma centers. If there is no  
16 other trauma center within the local EMS agency's service area,  
17 the local EMS agency shall return the moneys to the authority.

18 (i) In order to receive funds pursuant to this section, an eligible  
19 trauma center shall submit, pursuant to a contract between the  
20 trauma center and the local EMS agency, relevant and pertinent  
21 data requested by the local EMS agency. A trauma center shall  
22 demonstrate that it is appropriately submitting data to the local  
23 EMS agency's trauma registry and a local EMS agency shall  
24 audit the data annually within two years of a distribution from the  
25 local EMS agency to a trauma center. Any trauma center  
26 receiving funding pursuant to this section shall report to the local  
27 EMS agency how the funds were used to support trauma  
28 services.

29 (j) It is the intent of the Legislature that all moneys  
30 appropriated to the fund, except what is necessarily retained by  
31 the authority to initiate a statewide trauma care system, establish  
32 trauma regions pursuant to subdivision (a) of Section 1797.1991,  
33 and distribute funds to those regions for startup costs, shall be  
34 distributed to local EMS agencies during the same year the  
35 moneys are appropriated. To the extent that any moneys are not  
36 distributed by the authority during the fiscal year in which the  
37 moneys are appropriated, the moneys shall remain in the fund  
38 and be eligible for distribution pursuant to this section during  
39 subsequent fiscal years.

1 (k) By October 31, 2002, the authority shall develop criteria  
2 for the standardized reporting of trauma patients to local trauma  
3 registries. The authority shall seek input from local EMS  
4 agencies to develop the criteria. All local EMS agencies shall  
5 utilize the trauma patient criteria for reporting trauma patients to  
6 local trauma registries by July 1, 2003.

7 (l) By December 31 of the fiscal year following any fiscal year  
8 in which funds are distributed pursuant to this section, a local  
9 EMS agency that has received funds from the authority pursuant  
10 to this chapter shall provide a report to the authority that details  
11 the amount of funds distributed to each trauma center, the  
12 amount of any balance remaining, and the amount of any claims  
13 pending, if any, and describes how the respective centers used  
14 the funds to support trauma services. The report shall also  
15 describe the local EMS agency's mechanism for distributing the  
16 funds to trauma centers, a description of their audit process and  
17 criteria, and a summary of the most recent audit results.

18 (m) The authority may retain from any appropriation to the  
19 fund an amount sufficient to implement this section, up to two  
20 hundred eighty thousand dollars (\$280,000). This amount may be  
21 adjusted to reflect any increases provided for wages or operating  
22 expenses as part of the authority's budget process.

23 SEC. 2. Section 1797.1991 is added to the Health and Safety  
24 Code, to read:

25 1797.1991. There shall be established in California a  
26 statewide inclusive trauma system. The Emergency Medical  
27 Services Authority shall be the lead agency responsible for the  
28 development, oversight, and enforcement of the trauma care  
29 system. As part of the statewide inclusive trauma system, the  
30 authority shall do all of the following:

31 (a) By April 1, 2007, establish trauma care regions in the state  
32 for the purpose of facilitating the coordination of trauma care  
33 services within a designated trauma care region. Each trauma  
34 care region established by the authority shall consist of a  
35 multicounty area, including each of the local EMS agencies  
36 within the area and shall include, at a minimum, one Level I  
37 designated trauma center, one Level II designated trauma center,  
38 one designated pediatric trauma center, one licensed burn center,  
39 and one related rehabilitation services center.

1 (b) (1) Upon the establishment of trauma care regions,  
2 disburse any funds available for the purposes of regionalization  
3 to *local EMS agencies within* each trauma care region to  
4 accomplish the following:

5 (1)

6 (A) Establish bylaws in consultation with the authority.

7 (2)

8 (B) Develop a regional plan to coordinate trauma care services  
9 within a designated trauma care region.

10 (3)

11 (C) Coordinate with other regions for the purposes of  
12 establishing an inclusive statewide trauma system.

13 (4)

14 (D) Employ a full-time regional trauma care coordinator, who  
15 shall report to the local EMS agencies within the region and  
16 assist with the implementation of this section.

17 ~~(e) This section shall only be implemented if the Director of~~  
18 ~~Finance determines, in writing, that sufficient moneys are~~  
19 ~~available in the Trauma Care Fund to fund the statewide~~  
20 ~~inclusive trauma system established by this section.~~

21 (2) *The authority may, alternatively, disburse funds directly to*  
22 *a trauma care region, provided that the trauma care region is*  
23 *able to directly receive funds.*

24 SEC. 3. Nothing in this act shall reduce or otherwise  
25 eliminate the authority of any local EMS agency or county  
26 authority to provide or regulate the provision of emergency  
27 trauma care pursuant to Division 2.5 (commencing with Section  
28 1797) of the Health and Safety Code, including, but not limited  
29 to, trauma care center designation, contracting, and oversight.

30 ~~SEC. 4. If the Commission on State Mandates determines~~  
31 ~~that this act contains costs mandated by the state, reimbursement~~  
32 ~~to local agencies and school districts for those costs shall be~~  
33 ~~made pursuant to Part 7 (commencing with Section 17500) of~~  
34 ~~Division 4 of Title 2 of the Government Code.~~