

By: Janek

S.B. No. 1171

A BILL TO BE ENTITLED

AN ACT

relating to a demonstration project to provide certain services to trauma victims through the medical assistance program.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter B, Chapter 32, Human Resources Code, is amended by adding Section 32.057 to read as follows:

Sec. 32.057. DEMONSTRATION PROJECT FOR TRAUMA VICTIMS. (a)

In this section:

(1) "Intoxicated" has the meaning assigned by Section 49.01, Penal Code.

(2) "Project" means the trauma care demonstration project created under this section.

(3) "Traumatic injury" means severe damage to or destruction of tissue that:

(A) creates a significant risk of:

(i) loss of life;

(ii) loss of limb;

(iii) significant, permanent disfigurement;

or

(iv) significant, permanent disability;

and

(B) is caused by:

(i) a blunt or penetrating injury;

(ii) exposure to electromagnetic,

1 chemical, or radioactive energy;

2 (iii) drowning, suffocation, or
3 strangulation; or

4 (iv) a deficit or excess of heat.

5 (4) "Trauma care" means the assessment, diagnosis,
6 transportation, and treatment of a trauma victim by emergency
7 medical services personnel or by a physician and hospital staff.
8 The term includes hospitalization at a trauma center designated as
9 a Level I, Level II, or Level III trauma center by the American
10 College of Surgeons and the costs associated with the
11 hospitalization.

12 (5) "Trauma victim" means a person who has sustained a
13 traumatic injury.

14 (b) The department shall establish a demonstration project
15 providing trauma care to trauma victims. The project shall be
16 established in Harris and Galveston counties.

17 (c) The department shall ensure that the project is financed
18 using:

19 (1) funds made available for the project by Harris and
20 Galveston counties;

21 (2) additional assessments of court costs in Harris
22 and Galveston counties for the purpose of funding trauma care under
23 this section as follows:

24 (A) \$50 for cases involving vehicular speeding
25 violations;

26 (B) \$100 for cases involving driving while
27 intoxicated, whether resulting in conviction, deferred

1 adjudication, or a plea of nolo contendere;

2 (C) \$100 for cases involving a moving vehicle
3 violation resulting in an accident;

4 (D) \$100 for cases involving evading arrest; and

5 (E) \$200 for cases involving an illegal discharge
6 or sale of a firearm; and

7 (3) \$10 million from unclaimed lottery proceeds after
8 the first \$40 million from such proceeds per biennium is paid to The
9 University of Texas Medical Branch at Galveston.

10 (d) A person is eligible to participate in the project if
11 the person:

12 (1) is a male or nonpregnant female trauma victim;

13 (2) is at least 18 years of age but younger than 65
14 years of age;

15 (3) has a net family income of not more than 200
16 percent of the federal poverty level;

17 (4) receives trauma care in Harris or Galveston County
18 that is included in the project;

19 (5) is not covered by a health benefits plan; and

20 (6) is not otherwise eligible for medical assistance
21 at the time the person's eligibility for participation in the
22 project is determined.

23 (e) Participation in the project does not entitle a person
24 to other services provided under the medical assistance program.

25 (f) All funds, assessments, and proceeds received or
26 collected under this section shall be remitted to and administered
27 by the Houston-Galveston Area Council, which shall deposit the

1 funds in an account to be known as the trauma care demonstration
2 project fund. Revenues from the fund may be used only for the
3 provision of trauma care under this section. The council shall
4 submit quarterly fund reports to the department.

5 (g) Not later than December 1 of each even-numbered year,
6 the department shall submit a biennial report to the legislature
7 relating to the department's progress in establishing and operating
8 the project.

9 (h) Not later than December 1, 2006, the department shall
10 evaluate the cost-effectiveness of the project, including whether
11 the services and medications provided to project participants
12 reduce the cost of future medical care by an amount that is greater
13 than the cost of the trauma care. If the results of the evaluation
14 indicate that the project is cost-effective, the department shall
15 incorporate a request for funding for the expansion of the project
16 into additional counties or throughout the state, as appropriate,
17 in the department's budget request for the next state fiscal
18 biennium.

19 (i) This section expires September 1, 2007.

20 SECTION 2. The state agency responsible for implementing
21 the trauma care demonstration project required under Section
22 32.057, Human Resources Code, as added by this Act, shall request
23 and actively pursue any necessary waivers or authorizations from
24 the Centers for Medicare and Medicaid Services of the United States
25 Department of Health and Human Services or other appropriate
26 entities to enable the agency to implement the project not later
27 than September 1, 2004. The agency may delay implementing the

1 project until the necessary waivers or authorizations are granted.

2 SECTION 3. This Act takes effect immediately if it receives
3 a vote of two-thirds of all the members elected to each house, as
4 provided by Section 39, Article III, Texas Constitution. If this
5 Act does not receive the vote necessary for immediate effect, this
6 Act takes effect September 1, 2003.