

AN ACT

relating to the operations of and the funding mechanisms for emergency medical services and trauma facility care in this state.

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

SECTION 1. Sections 780.001(2) and (3), Health and Safety Code, are amended to read as follows:

(2) "Commissioner" means the commissioner of state health services [~~public health~~].

(3) "Department" means the [~~Texas~~] Department of State Health Services.

SECTION 2. Sections 780.004(b)-(f), (h), and (i), Health and Safety Code, are amended to read as follows:

(b) In each fiscal year, the [~~The~~] commissioner shall [~~maintain a~~] reserve [~~of~~] \$500,000 of any money appropriated from the account for extraordinary emergencies. Money that is not spent in a fiscal year shall be transferred to the reserve for the following fiscal year.

(c) In any fiscal year, the commissioner shall use at least 96 percent of the money appropriated from the account, after any amount the commissioner is required by Subsection (b) [~~necessary~~] to [~~maintain the~~] reserve [~~established by Subsection (b)~~] is deducted, to fund a portion of the uncompensated trauma care provided at facilities designated as state trauma facilities by the department or an undesignated facility in active pursuit of

1 designation. Funds may be disbursed under this subsection based on
2 a proportionate share of uncompensated trauma care provided in the
3 state and may be used to fund innovative projects to enhance the
4 delivery of patient care in the overall emergency medical services
5 and trauma care system.

6 (d) In any fiscal year, the commissioner shall use not more
7 than two percent of the money appropriated from the account, after
8 any amount the commissioner is required by Subsection (b)
9 ~~[necessary]~~ to ~~[maintain the]~~ reserve ~~[established by Subsection~~
10 ~~(b)]~~ is deducted, to fund, in connection with an effort to provide
11 coordination with the appropriate trauma service area, the cost of
12 supplies, operational expenses, education and training, equipment,
13 vehicles, and communications systems for local emergency medical
14 services. The money shall be distributed on behalf of eligible
15 recipients in each county to the trauma service area regional
16 advisory council for that county. To receive a distribution under
17 this subsection, the regional advisory council must be incorporated
18 as an entity that is exempt from federal income tax under Section
19 501(a), Internal Revenue Code of 1986, and its subsequent
20 amendments, by being listed as an exempt organization under Section
21 501(c)(3) of that code. The share of the money allocated to the
22 eligible recipients in a county's geographic area shall be based on
23 the relative geographic size and population of the county and on the
24 relative number of emergency or trauma care runs performed by
25 eligible recipients in the county. Money that is not disbursed by a
26 regional advisory council to eligible recipients for approved
27 functions by the end of the fiscal year in which the funds were

1 disbursed may be retained by the regional advisory council for use
2 in the following fiscal year in accordance with this subsection.
3 Money that is not disbursed by the regional advisory council in that
4 following fiscal year shall be returned to the department to be used
5 in accordance with Subsection (c).

6 (e) In any fiscal year, the commissioner may use not more
7 than one percent of the money appropriated from the account, after
8 any amount the commissioner is required by Subsection (b)
9 ~~[necessary]~~ to ~~[maintain the]~~ reserve ~~[established by Subsection~~
10 ~~(b)]~~ is deducted, for operation of the 22 trauma service areas and
11 for equipment, communications, and education and training for the
12 areas. Money distributed under this subsection shall be
13 distributed on behalf of eligible recipients in each county to the
14 trauma service area regional advisory council for that county. To
15 receive a distribution under this subsection, the regional advisory
16 council must be incorporated as an entity that is exempt from
17 federal income tax under Section 501(a), Internal Revenue Code of
18 1986, and its subsequent amendments, by being listed as an exempt
19 organization under Section 501(c)(3) of that code. A regional
20 advisory council's share of money distributed under this section
21 shall be based on the relative geographic size and population of
22 each trauma service area and on the relative amount of trauma care
23 provided. Money that is not disbursed by a regional advisory
24 council to eligible recipients for approved functions by the end of
25 the fiscal year in which the funds were disbursed may be retained by
26 the regional advisory council for use in the following fiscal year
27 in accordance with this subsection. Money that is not disbursed by

1 the regional advisory council in that following fiscal year shall
2 be returned to the department to be used in accordance with
3 Subsection (c).

4 (f) In any fiscal year, the commissioner may use not more
5 than one percent of money appropriated from the account, after any
6 amount the commissioner is required by Subsection (b) ~~[necessary]~~
7 to ~~[maintain the]~~ reserve ~~[established by Subsection (b) is~~
8 ~~deducted]~~, to fund the administrative costs of the bureau of
9 emergency management of the department associated with
10 administering the trauma program, the state emergency medical
11 services program, and the account and to fund the costs of
12 monitoring and providing technical assistance for those programs
13 and that account.

14 (h) For purposes of this section "pursuit of designation"
15 means:

16 (1) submission of an application with the state or
17 appropriate agency for trauma verification and designation ~~[not~~
18 ~~later than December 31, 2003]~~;

19 (2) submission of data to the department trauma
20 registry~~[, provided that only data submitted to the trauma registry~~
21 ~~on or after September 1, 2003, will qualify for consideration of~~
22 ~~reimbursement under this program]~~;

23 (3) participation in trauma service area regional
24 advisory council initiatives ~~[on or before December 31, 2003]~~; and

25 (4) creation of a hospital trauma performance
26 committee ~~[not later than December 31, 2003]~~.

27 (i) This subsection applies only to an undesignated

1 facility that applies for trauma verification and designation after
2 September 1, 2005, and is in active pursuit of designation. The
3 facility must file a statement of intent to seek the designation,
4 comply with Subsection (h) not later than the 180th day after the
5 date the statement of intent is filed, and notify the department of
6 the facility's compliance with that subsection. If trauma
7 designation is not attained by an undesignated facility in active
8 pursuit of designation on or before the second anniversary of the
9 date the facility notified the department of the facility's
10 compliance with Subsection (h) [December 31, 2005], any funds
11 received by the undesignated facility for unreimbursed trauma
12 services must be returned to the state.

13 SECTION 3. Section 601.233(a), Transportation Code, is
14 amended to read as follows:

15 (a) A citation for an offense under Section 601.191 issued
16 as a result of Section 601.053 must include, in type larger than
17 other type on the citation, except for the type of the statement
18 required by Section 708.105, the following statement:

19 "A second or subsequent conviction of an offense under
20 the Texas Motor Vehicle Safety Responsibility Act will
21 result in the suspension of your driver's license and
22 motor vehicle registration unless you file and
23 maintain evidence of financial responsibility with the
24 Department of Public Safety for two years from the date
25 of conviction. The department may waive the
26 requirement to file evidence of financial
27 responsibility if you file satisfactory evidence with

1 the department showing that at the time this citation
2 was issued, the vehicle was covered by a motor vehicle
3 liability insurance policy or that you were otherwise
4 exempt from the requirements to provide evidence of
5 financial responsibility."

6 SECTION 4. Subchapter C, Chapter 708, Transportation Code,
7 is amended by adding Section 708.105 to read as follows:

8 Sec. 708.105. NOTICE OF POTENTIAL SURCHARGE. (a) A
9 citation issued for an offense under a traffic law of this state or
10 a political subdivision of this state must include, in type larger
11 than any other type on the citation, the following statement:

12 "A conviction of an offense under a traffic law of
13 this state or a political subdivision of this state may
14 result in the assessment on your driver's license of a
15 surcharge under the Driver Responsibility Program."

16 (b) The warning required by Subsection (a) is in addition to
17 any other warning required by law.

18 SECTION 5. Section 708.153(b), Transportation Code, is
19 amended to read as follows:

20 (b) A rule under this section:

21 (1) may not permit a person to pay a surcharge[+
22 [~~(A) of less than \$2,300~~] over a period of more
23 than 36 [~~12~~] consecutive months; [~~or~~

24 [~~(B) of \$2,300 or more over a period of more than~~
25 ~~24 consecutive months,~~] and

26 (2) may provide that if the person fails to make a
27 required installment payment, the department may declare the amount

1 of the unpaid surcharge immediately due and payable.

2 SECTION 6. The following are repealed:

3 (1) Section 780.007, Health and Safety Code; and

4 (2) Section 542.4031(k), Transportation Code.

5 SECTION 7. Section 601.233(a), Transportation Code, as
6 amended by this Act, and Section 708.105, Transportation Code, as
7 added by this Act, apply only to a citation that is issued to a
8 person by a peace officer on or after September 1, 2005.

9 SECTION 8. This Act takes effect September 1, 2005.

President of the Senate

Speaker of the House

I certify that H.B. No. 2470 was passed by the House on May 11, 2005, by the following vote: Yeas 134, Nays 3, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 2470 was passed by the Senate on May 25, 2005, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor