

By: Delisi

H.B. No. 2470

Substitute the following for H.B. No. 2470:

By: Truitt

C.S.H.B. No. 2470

A BILL TO BE ENTITLED

1

AN ACT

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

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

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

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

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

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

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

18 (c) In any fiscal year, the commissioner shall use at least  
19 96 percent of the money appropriated from the account, after any  
20 amount the commissioner is required by Subsection (b) [~~necessary~~]  
21 to [~~maintain the~~] reserve [~~established by Subsection (b)~~] is  
22 deducted, to fund a portion of the uncompensated trauma care  
23 provided at facilities designated as state trauma facilities by the  
24 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.