

1-1 By: Delisi (Senate Sponsor - Nelson) H.B. No. 2470
1-2 (In the Senate - Received from the House May 12, 2005;
1-3 May 13, 2005, read first time and referred to Committee on Health
1-4 and Human Services; May 18, 2005, reported favorably by the
1-5 following vote: Yeas 8, Nays 0; May 18, 2005, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the operations of and the funding mechanisms for
1-9 emergency medical services and trauma facility care in this state.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Sections 780.001(2) and (3), Health and Safety
1-12 Code, are amended to read as follows:

1-13 (2) "Commissioner" means the commissioner of state
1-14 health services [~~public health~~].

1-15 (3) "Department" means the [~~Texas~~] Department of State
1-16 Health Services.

1-17 SECTION 2. Sections 780.004(b)-(f), (h), and (i), Health
1-18 and Safety Code, are amended to read as follows:

1-19 (b) In each fiscal year, the [~~The~~] commissioner shall
1-20 [~~maintain a~~] reserve [~~of~~] \$500,000 of any money appropriated from
1-21 the account for extraordinary emergencies. Money that is not spent
1-22 in a fiscal year shall be transferred to the reserve for the
1-23 following fiscal year.

1-24 (c) In any fiscal year, the commissioner shall use at least
1-25 96 percent of the money appropriated from the account, after any
1-26 amount the commissioner is required by Subsection (b) [~~necessary~~]
1-27 to [~~maintain the~~] reserve [~~established by Subsection (b)~~] is
1-28 deducted, to fund a portion of the uncompensated trauma care
1-29 provided at facilities designated as state trauma facilities by the
1-30 department or an undesignated facility in active pursuit of
1-31 designation. Funds may be disbursed under this subsection based on
1-32 a proportionate share of uncompensated trauma care provided in the
1-33 state and may be used to fund innovative projects to enhance the
1-34 delivery of patient care in the overall emergency medical services
1-35 and trauma care system.

1-36 (d) In any fiscal year, the commissioner shall use not more
1-37 than two percent of the money appropriated from the account, after
1-38 any amount the commissioner is required by Subsection (b)
1-39 [~~necessary~~] to [~~maintain the~~] reserve [~~established by Subsection~~
1-40 ~~(b)~~] is deducted, to fund, in connection with an effort to provide
1-41 coordination with the appropriate trauma service area, the cost of
1-42 supplies, operational expenses, education and training, equipment,
1-43 vehicles, and communications systems for local emergency medical
1-44 services. The money shall be distributed on behalf of eligible
1-45 recipients in each county to the trauma service area regional
1-46 advisory council for that county. To receive a distribution under
1-47 this subsection, the regional advisory council must be incorporated
1-48 as an entity that is exempt from federal income tax under Section
1-49 501(a), Internal Revenue Code of 1986, and its subsequent
1-50 amendments, by being listed as an exempt organization under Section
1-51 501(c)(3) of that code. The share of the money allocated to the
1-52 eligible recipients in a county's geographic area shall be based on
1-53 the relative geographic size and population of the county and on the
1-54 relative number of emergency or trauma care runs performed by
1-55 eligible recipients in the county. Money that is not disbursed by a
1-56 regional advisory council to eligible recipients for approved
1-57 functions by the end of the fiscal year in which the funds were
1-58 disbursed may be retained by the regional advisory council for use
1-59 in the following fiscal year in accordance with this subsection.
1-60 Money that is not disbursed by the regional advisory council in that
1-61 following fiscal year shall be returned to the department to be used
1-62 in accordance with Subsection (c).

1-63 (e) In any fiscal year, the commissioner may use not more
1-64 than one percent of the money appropriated from the account, after

2-1 any amount the commissioner is required by Subsection (b)
 2-2 [necessary] to [maintain the] reserve [established by Subsection
 2-3 (b)] is deducted, for operation of the 22 trauma service areas and
 2-4 for equipment, communications, and education and training for the
 2-5 areas. Money distributed under this subsection shall be
 2-6 distributed on behalf of eligible recipients in each county to the
 2-7 trauma service area regional advisory council for that county. To
 2-8 receive a distribution under this subsection, the regional advisory
 2-9 council must be incorporated as an entity that is exempt from
 2-10 federal income tax under Section 501(a), Internal Revenue Code of
 2-11 1986, and its subsequent amendments, by being listed as an exempt
 2-12 organization under Section 501(c)(3) of that code. A regional
 2-13 advisory council's share of money distributed under this section
 2-14 shall be based on the relative geographic size and population of
 2-15 each trauma service area and on the relative amount of trauma care
 2-16 provided. Money that is not disbursed by a regional advisory
 2-17 council to eligible recipients for approved functions by the end of
 2-18 the fiscal year in which the funds were disbursed may be retained by
 2-19 the regional advisory council for use in the following fiscal year
 2-20 in accordance with this subsection. Money that is not disbursed by
 2-21 the regional advisory council in that following fiscal year shall
 2-22 be returned to the department to be used in accordance with
 2-23 Subsection (c).

2-24 (f) In any fiscal year, the commissioner may use not more
 2-25 than one percent of money appropriated from the account, after any
 2-26 amount the commissioner is required by Subsection (b) [necessary]
 2-27 to [maintain the] reserve [established by Subsection (b) is
 2-28 deducted], to fund the administrative costs of the bureau of
 2-29 emergency management of the department associated with
 2-30 administering the trauma program, the state emergency medical
 2-31 services program, and the account and to fund the costs of
 2-32 monitoring and providing technical assistance for those programs
 2-33 and that account.

2-34 (h) For purposes of this section "pursuit of designation"
 2-35 means:

2-36 (1) submission of an application with the state or
 2-37 appropriate agency for trauma verification and designation [not
 2-38 later than December 31, 2003];

2-39 (2) submission of data to the department trauma
 2-40 registry [, provided that only data submitted to the trauma registry
 2-41 on or after September 1, 2003, will qualify for consideration of
 2-42 reimbursement under this program];

2-43 (3) participation in trauma service area regional
 2-44 advisory council initiatives [on or before December 31, 2003]; and

2-45 (4) creation of a hospital trauma performance
 2-46 committee [not later than December 31, 2003].

2-47 (i) This subsection applies only to an undesignated
 2-48 facility that applies for trauma verification and designation after
 2-49 September 1, 2005, and is in active pursuit of designation. The
 2-50 facility must file a statement of intent to seek the designation,
 2-51 comply with Subsection (h) not later than the 180th day after the
 2-52 date the statement of intent is filed, and notify the department of
 2-53 the facility's compliance with that subsection. If trauma
 2-54 designation is not attained by an undesignated facility in active
 2-55 pursuit of designation on or before the second anniversary of the
 2-56 date the facility notified the department of the facility's
 2-57 compliance with Subsection (h) [December 31, 2005], any funds
 2-58 received by the undesignated facility for unreimbursed trauma
 2-59 services must be returned to the state.

2-60 SECTION 3. Section 601.233(a), Transportation Code, is
 2-61 amended to read as follows:

2-62 (a) A citation for an offense under Section 601.191 issued
 2-63 as a result of Section 601.053 must include, in type larger than
 2-64 other type on the citation, except for the type of the statement
 2-65 required by Section 708.105, the following statement:

2-66 "A second or subsequent conviction of an offense under
 2-67 the Texas Motor Vehicle Safety Responsibility Act will
 2-68 result in the suspension of your driver's license and
 2-69 motor vehicle registration unless you file and

3-1 maintain evidence of financial responsibility with the
3-2 Department of Public Safety for two years from the date
3-3 of conviction. The department may waive the
3-4 requirement to file evidence of financial
3-5 responsibility if you file satisfactory evidence with
3-6 the department showing that at the time this citation
3-7 was issued, the vehicle was covered by a motor vehicle
3-8 liability insurance policy or that you were otherwise
3-9 exempt from the requirements to provide evidence of
3-10 financial responsibility."

3-11 SECTION 4. Subchapter C, Chapter 708, Transportation Code,
3-12 is amended by adding Section 708.105 to read as follows:

3-13 Sec. 708.105. NOTICE OF POTENTIAL SURCHARGE. (a) A
3-14 citation issued for an offense under a traffic law of this state or
3-15 a political subdivision of this state must include, in type larger
3-16 than any other type on the citation, the following statement:

3-17 "A conviction of an offense under a traffic law of
3-18 this state or a political subdivision of this state may
3-19 result in the assessment on your driver's license of a
3-20 surcharge under the Driver Responsibility Program."

3-21 (b) The warning required by Subsection (a) is in addition to
3-22 any other warning required by law.

3-23 SECTION 5. Section 708.153(b), Transportation Code, is
3-24 amended to read as follows:

3-25 (b) A rule under this section:

3-26 (1) may not permit a person to pay a surcharge[+
3-27 [~~(A) of less than \$2,300~~] over a period of more
3-28 than 36 [~~12~~] consecutive months; [~~or~~
3-29 [~~(B) of \$2,300 or more over a period of more than~~
3-30 ~~24 consecutive months,~~] and

3-31 (2) may provide that if the person fails to make a
3-32 required installment payment, the department may declare the amount
3-33 of the unpaid surcharge immediately due and payable.

3-34 SECTION 6. The following are repealed:

- 3-35 (1) Section 780.007, Health and Safety Code; and
- 3-36 (2) Section 542.4031(k), Transportation Code.

3-37 SECTION 7. Section 601.233(a), Transportation Code, as
3-38 amended by this Act, and Section 708.105, Transportation Code, as
3-39 added by this Act, apply only to a citation that is issued to a
3-40 person by a peace officer on or after September 1, 2005.

3-41 SECTION 8. This Act takes effect September 1, 2005.

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