

By: Truitt

H.B. No. 3177

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the allocation of money in the designated trauma
3 facility and emergency medical services account.

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

5 SECTION 1. Section 780.003(a), Health and Safety Code, is
6 amended to read as follows:

7 (a) The designated trauma facility and emergency medical
8 services account is created as a dedicated account in the general
9 revenue fund of the state treasury. Money in the account may [~~be~~
10 ~~appropriated~~] only be used as follows:

11 (1) the amount necessary to maintain the reserve
12 required by Section 780.004(b) may only be appropriated to the
13 department for that purpose;

14 (2) four percent of the money remaining in the account
15 after the appropriation required by Subdivision (1) may only be
16 appropriated to the department for the purposes described by
17 Sections 780.004(d), (e), and (f);

18 (3) 30 percent of the money remaining in the account
19 after the appropriations required by Subdivisions (1) and (2) may
20 only be appropriated to the department for the purposes described
21 by Section 780.004(c)(1);

22 (4) 30 percent of the money remaining in the account
23 after the appropriations required by Subdivisions (1) and (2) may
24 only be appropriated to the Health and Human Services Commission

1 for the purposes described by Section 780.004(c)(2); and

2 (5) 40 percent of the money remaining in the account
3 after the appropriations required by Subdivisions (1) and (2) shall
4 be transferred to the undedicated portion of the general revenue
5 fund [Section 780.004].

6 SECTION 2. Section 780.004, Health and Safety Code, is
7 amended by amending Subsections (a), (c), (d), (e), and (f) and
8 adding Subsections (c-1) and (j) to read as follows:

9 (a) The commissioner and the executive commissioner of the
10 Health and Human Services Commission, with advice and counsel from
11 the chairpersons of the trauma service area regional advisory
12 councils, shall use money appropriated from the account established
13 under this chapter to fund designated trauma facilities, county and
14 regional emergency medical services, and trauma care systems in
15 accordance with this section.

16 (c) In any fiscal year:

17 (1) [7] the commissioner shall use [at least 96
18 percent of] the money appropriated from the account under Section
19 780.003(a)(3) to reimburse [after any amount necessary to maintain
20 the reserve established by Subsection (b) is deducted, to fund a
21 portion of the uncompensated trauma care provided at] facilities
22 designated as state trauma facilities by the department, and [or
23 an] undesignated facilities [facility] in active pursuit of
24 designation, for a portion of the uncompensated trauma care
25 provided by those facilities; and

26 (2) the executive commissioner of the Health and Human
27 Services Commission shall use the money appropriated from the

1 account under Section 780.003(a)(4) for payments under Chapter 32,
2 Human Resources Code, to reimburse facilities designated as state
3 trauma facilities by the department and undesignated facilities in
4 active pursuit of designation for a portion of the uncompensated
5 trauma care provided by those facilities.

6 (c-1) Funds may be disbursed under Subsection (c) [~~this~~
7 ~~subsection~~] based on a proportionate share of uncompensated trauma
8 care provided in the state and may be used to fund innovative
9 projects to enhance the delivery of patient care in the overall
10 emergency medical services and trauma care system.

11 (d) In any fiscal year, the commissioner shall use not more
12 than 50 [~~two~~] percent of the money appropriated from the account
13 under Section 780.003(a)(2) [~~, after any amount necessary to~~
14 ~~maintain the reserve established by Subsection (b) is deducted,~~] to
15 fund, in connection with an effort to provide coordination with the
16 appropriate trauma service area, the cost of supplies, operational
17 expenses, education and training, equipment, vehicles, and
18 communications systems for local emergency medical services. The
19 money shall be distributed on behalf of eligible recipients in each
20 county to the trauma service area regional advisory council for
21 that county. To receive a distribution under this subsection, the
22 regional advisory council must be incorporated as an entity that is
23 exempt from federal income tax under Section 501(a), Internal
24 Revenue Code of 1986, and its subsequent amendments, by being
25 listed as an exempt organization under Section 501(c)(3) of that
26 code. The share of the money allocated to the eligible recipients
27 in a county's geographic area shall be based on the relative

1 geographic size and population of the county and on the relative
2 number of emergency or trauma care runs performed by eligible
3 recipients in the county. Money that is not disbursed by a regional
4 advisory council to eligible recipients for approved functions by
5 the end of the fiscal year in which the funds were disbursed shall
6 be returned to the department to be used in accordance with
7 Subsection (c)(1).

8 (e) In any fiscal year, the commissioner may use not more
9 than 25 ~~[one]~~ percent of the money appropriated from the account
10 under Section 780.003(a)(2) ~~[, after any amount necessary to~~
11 ~~maintain the reserve established by Subsection (b) is deducted,]~~
12 for operation of the 22 trauma service areas and for equipment,
13 communications, and education and training for the areas. Money
14 distributed under this subsection shall be distributed on behalf of
15 eligible recipients in each county to the trauma service area
16 regional advisory council for that county. To receive a
17 distribution under this subsection, the regional advisory council
18 must be incorporated as an entity that is exempt from federal income
19 tax under Section 501(a), Internal Revenue Code of 1986, and its
20 subsequent amendments, by being listed as an exempt organization
21 under Section 501(c)(3) of that code. A regional advisory
22 council's share of money distributed under this section shall be
23 based on the relative geographic size and population of each trauma
24 service area and on the relative amount of trauma care provided.
25 Money that is not disbursed by a regional advisory council to
26 eligible recipients for approved functions by the end of the fiscal
27 year in which the funds were disbursed shall be returned to the

1 department to be used in accordance with Subsection (c)(1).

2 (f) In any fiscal year, the commissioner may use not more
3 than 25 [~~one~~] percent of money appropriated from the account under
4 Section 780.003(a)(2) [~~, after any amount necessary to maintain the~~
5 ~~reserve established by Subsection (b) is deducted,~~] to fund the
6 administrative costs of the bureau of emergency management of the
7 department associated with administering the trauma program, the
8 state emergency medical services program, and the account and to
9 fund the costs of monitoring and providing technical assistance for
10 those programs and that account.

11 (j) In providing payments to facilities under Subsection
12 (c)(2), the executive commissioner of the Health and Human Services
13 Commission shall mitigate any negative fiscal impact on other state
14 or federal funding for hospitals in this state.

15 SECTION 3. This Act takes effect September 1, 2005.