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# A BILL FOR AN ACT

RELATING TO TRAUMA CARE.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that trauma care in  
2 Hawaii is in a state of crisis and recognizes that trauma care  
3 is a public health priority.

4           Injury is the leading cause of death for persons between  
5 the ages of one to forty-four in the State of Hawaii, causing  
6 more deaths than are caused by cancer and heart disease  
7 combined. This underscores the seriousness of traumatic injury  
8 as a public health problem in the state.

9           When injuries are serious, specialized equipment and prompt  
10 access to physicians and other trained health care providers  
11 make a significant difference in a trauma patient's health  
12 outcome. A weak trauma system decreases the state's readiness  
13 to respond not only to the normal flow of critically injured  
14 patients, but to unforeseen disasters and emergencies as well.

15           As the American College of Surgeons noted in its October  
16 2005 report, "Hawaii Trauma System Consultation," extreme  
17 isolation and limited physician re-supply capability renders  
18 Hawaii uniquely vulnerable to natural disasters that may occur



1 in a mid-Pacific environment. A functional trauma system with  
2 the capacity to handle a surge in demand is a fundamental  
3 necessity in responding to both natural and man-made disasters.

4 Typically, the cost of providing care to trauma patients is  
5 far higher than the total payments received from those patients.  
6 Without additional resources, it is unlikely that Hawaii's  
7 system will develop greater capacity and it is at risk of losing  
8 what specialized trauma care is currently available.

9 A January 2006 report by the legislative reference bureau  
10 entitled, "On-Call Crisis in Trauma Care: Government  
11 Responses," noted that "the rationale for public support of  
12 uncompensated trauma services is the same as for critical police  
13 and fire services; a trauma system is a necessary public service  
14 that ought to be publicly supported."

15 The purpose of this Act is to establish a trauma system  
16 special fund to ensure the availability of care for trauma  
17 patients in the state.

18 SECTION 2. Chapter 321, Hawaii Revised Statutes, is  
19 amended by adding a new section to be appropriately designated  
20 and to read as follows:

21 "§321- Trauma system special fund. (a) There is  
22 established within the state treasury a special fund to be known



1 as the trauma system special fund to be administered and  
2 expended by the department of health. Moneys in the trauma  
3 system special fund shall not lapse at the end of the fiscal  
4 year. Expenditures from the trauma system special fund shall be  
5 exempt from chapters 103D and 103F.

6 (b) The moneys in the trauma system special fund shall be  
7 used by the department to support the continuing development and  
8 operation of a comprehensive state trauma system. The trauma  
9 system special fund shall be used to subsidize the documented  
10 costs for the comprehensive state trauma system, including but  
11 not limited to the following:

12 (1) Costs of under-compensated and uncompensated trauma  
13 care incurred by hospitals providing care to trauma  
14 patients; and

15 (2) Costs incurred by hospitals providing care to trauma  
16 patients to maintain on-call physicians for trauma  
17 care.

18 The money in the trauma system special fund shall not be used to  
19 supplant funding for trauma services authorized prior to the  
20 effective date of this section and shall not be used for  
21 ambulance or medical air transport services.





1 files, and other related documents, to the extent  
2 permissible under applicable state and federal  
3 law, so that the program, management, and fiscal  
4 practices of the recipient may be monitored and  
5 evaluated to ensure the proper and effective  
6 expenditure of public funds;

7 (D) Provide care to all injured patients regardless  
8 of their ability to pay; and

9 (E) Participate in data collection and peer review  
10 activities for the purpose of system evaluation  
11 and improvement of patient care;

12 and

13 (2) Every reimbursement shall be monitored according to  
14 rules established by the director under chapter 91 to  
15 ensure compliance with this section.

16 (f) Necessary administrative expenses to carry out this  
17 section shall not exceed five per cent of the total amount  
18 collected in any given year.

19 (g) The department shall submit an annual report to the  
20 legislature no later than twenty days prior to the convening of  
21 each regular session that outlines the receipts of and  
22 expenditures from the trauma system special fund.



1        (h) For the purposes of this section:

2        "Comprehensive state trauma system" means a coordinated  
3 integrated system providing a spectrum of medical care  
4 throughout the state designed to reduce death and disability by  
5 appropriate and timely diagnosis and specialized treatment of  
6 injuries, which includes hospitals with successive levels of  
7 advanced capabilities for trauma care in accordance with  
8 nationally accepted standards established by the American  
9 College of Surgeons Committee on Trauma.

10       "Hospital providing care to trauma patients" means a  
11 hospital with emergency services that receives and treats  
12 injured patients.

13       "Trauma care" means specialized medical care intended to  
14 reduce death and disability from injuries."

15       SECTION 3. Section 36-27, Hawaii Revised Statutes, is  
16 amended to read as follows:

17       **"§36-27 Transfers from special funds for central service**  
18 **expenses.** Except as provided in this section, and  
19 notwithstanding any other law to the contrary, from time to  
20 time, the director of finance, for the purpose of defraying the  
21 prorated estimate of central service expenses of government in  
22 relation to all special funds, except the:

- 1 (1) Special out-of-school time instructional program fund
- 2 under section 302A-1310;
- 3 (2) School cafeteria special funds of the department of
- 4 education;
- 5 (3) Special funds of the University of Hawaii;
- 6 (4) State educational facilities improvement special fund;
- 7 (5) Convention center enterprise special fund under
- 8 section 201B-8;
- 9 (6) Special funds established by section 206E-6;
- 10 (7) Housing loan program revenue bond special fund;
- 11 (8) Housing project bond special fund;
- 12 (9) Aloha Tower fund created by section 206J-17;
- 13 (10) Funds of the employees' retirement system created by
- 14 section 88-109;
- 15 (11) Unemployment compensation fund established under
- 16 section 383-121;
- 17 (12) Hawaii hurricane relief fund established under chapter
- 18 431P;
- 19 (13) Hawaii health systems corporation special funds;
- 20 (14) Tourism special fund established under section
- 21 201B-11;
- 22 (15) Universal service fund established under chapter 269;



- 1 (16) Integrated tax information management systems special
- 2 fund under section 231-3.2;
- 3 (17) Emergency and budget reserve fund under section
- 4 328L-3;
- 5 (18) Public schools special fees and charges fund under
- 6 section 302A-1130(f);
- 7 (19) Sport fish special fund under section 187A-9.5;
- 8 (20) Neurotrauma special fund under section 321H-4;
- 9 (21) Deposit beverage container deposit special fund under
- 10 section 342G-104;
- 11 (22) Glass advance disposal fee special fund established by
- 12 section 342G-82;
- 13 (23) Center for nursing special fund under section 304D-5;
- 14 (24) Passenger facility charge special fund established by
- 15 section 261-5.5;
- 16 (25) Solicitation of funds for charitable purposes special
- 17 fund established by section 467B-15;
- 18 (26) Land conservation fund established by section 173A-5;
- 19 [~~and~~]
- 20 [~~+~~] (27) [~~+~~] Court interpreting services revolving fund under
- 21 [~~+~~] section 607-1.5 [~~+~~]; and
- 22 (28) Trauma system special fund under section 321- ;



1 shall deduct five per cent of all receipts of all other special  
 2 funds, which deduction shall be transferred to the general fund  
 3 of the State and become general realizations of the State. All  
 4 officers of the State and other persons having power to allocate  
 5 or disburse any special funds shall cooperate with the director  
 6 in effecting these transfers. To determine the proper revenue  
 7 base upon which the central service assessment is to be  
 8 calculated, the director shall adopt rules pursuant to chapter  
 9 91 for the purpose of suspending or limiting the application of  
 10 the central service assessment of any fund. No later than  
 11 twenty days prior to the convening of each regular session of  
 12 the legislature, the director shall report all central service  
 13 assessments made during the preceding fiscal year."

14 SECTION 4. Section 36-30, Hawaii Revised Statutes, is  
 15 amended by amending subsection (a) to read as follows:

- 16 "(a) Each special fund, except the:
- 17 (1) Transportation use special fund established by section
  - 18 261D-1;
  - 19 (2) Special out-of-school time instructional program fund
  - 20 under section 302A-1310;
  - 21 (3) School cafeteria special funds of the department of
  - 22 education;



- 1 (4) Special funds of the University of Hawaii;
- 2 (5) State educational facilities improvement special fund;
- 3 (6) Special funds established by section 206E-6;
- 4 (7) Aloha Tower fund created by section 206J-17;
- 5 (8) Funds of the employees' retirement system created by
- 6 section 88-109;
- 7 (9) Unemployment compensation fund established under
- 8 section 383-121;
- 9 (10) Hawaii hurricane relief fund established under chapter
- 10 431P;
- 11 (11) Convention center enterprise special fund established
- 12 under section 201B-8;
- 13 (12) Hawaii health systems corporation special funds;
- 14 (13) Tourism special fund established under section
- 15 201B-11;
- 16 (14) Universal service fund established under chapter 269;
- 17 (15) Integrated tax information management systems special
- 18 fund under section 231-3.2;
- 19 (16) Emergency and budget reserve fund under section
- 20 328L-3;
- 21 (17) Public schools special fees and charges fund under
- 22 section 302A-1130(f);



- 1 (18) Sport fish special fund under section 187A-9.5;  
2 (19) Neurotrauma special fund under section 321H-4;  
3 (20) Center for nursing special fund under section 304D-5;  
4 (21) Passenger facility charge special fund established by  
5 section 261-5.5; [~~and~~]  
6 (22) Court interpreting services revolving fund under  
7 [~~+~~]section 607-1.5[~~+~~]; and  
8 (23) Trauma system special fund under section 321- ;

9 shall be responsible for its pro rata share of the  
10 administrative expenses incurred by the department responsible  
11 for the operations supported by the special fund concerned."

12 SECTION 5. There are established positions as are  
13 necessary to implement the provisions of this Act. These  
14 positions shall be appointed by the director of health without  
15 regard to chapter 76, Hawaii Revised Statutes. These positions  
16 shall be included in any benefit program generally applicable to  
17 the officers and employees of the State.

18 SECTION 6. (a) The department of health shall convene ad  
19 hoc committees to advise the department in all matters related  
20 to trauma care, including system standards, appropriate  
21 expenditure of the trauma system special fund, and system  
22 performance and evaluation criteria.



1 (b) Members of the ad hoc committees shall include members  
2 of the state EMS advisory committee and may invite participation  
3 statewide from practicing trauma surgeons and other trauma  
4 specialty physicians and nurses, pre-hospital personnel,  
5 hospital administrators, third party payors, and other  
6 interested parties from all counties.

7 SECTION 7. The department of health shall submit to the  
8 legislature an annual report on the expenditures of the trauma  
9 system special fund and the progress toward developing a  
10 fully-integrated statewide trauma system not later than twenty  
11 days prior to the convening of the regular session of 2007 and  
12 each year thereafter.

13 SECTION 8. Statutory material to be repealed is bracketed  
14 and stricken. New statutory material is underscored.

15 SECTION 9. This Act shall take effect on July 1, 2006.



HB NO. 3142 HD2  
SD2  
CD1

**Report Title:**

Trauma Care

**Description:**

Establishes a trauma system fund to ensure and encourage the availability of trauma care in the State. (HB3142 CD1)

HB3142 CD1 HMS 2006-3816

