
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 and to establish dedicated sources of
18 revenue to finance that care.

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



1 "§321- Trauma system special fund. (a) There is
2 established within the state treasury a special fund to be known
3 as the trauma system special fund to be administered and
4 expended by the department of health. Moneys in the trauma
5 system special fund shall not lapse at the end of the fiscal
6 year. Expenditures from the trauma system special fund shall be
7 exempt from chapters 103D and 103F.

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

- 14 (1) Costs of uncompensated trauma care incurred by
15 hospitals providing care to trauma patients; and
16 (2) Costs incurred by hospitals providing care to trauma
17 patients to maintain on-call physicians for trauma
18 care.

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



1 (c) Fees remitted pursuant to section 249-31, interest and
2 investment earnings attributable to the moneys in the trauma
3 system special fund, federal funding, legislative
4 appropriations, and grants, donations, and contributions from
5 private or public sources for the purposes of the trauma system
6 special fund shall be deposited into the trauma system special
7 fund.

8 (d) The department shall adopt rules pursuant to chapter
9 91 to effectuate the purposes of this section, including the
10 methodology for disbursements from the trauma system special
11 fund.

12 (e) To receive reimbursement, a hospital providing care to
13 trauma patients shall apply to the trauma system special fund on
14 a form and in a manner approved by the department; provided that
15 recipients of reimbursements from the trauma system special fund
16 shall be subject to the following conditions:

17 (1) The recipient of a reimbursement shall:

18 (A) Comply with applicable federal, state, and county
19 laws;

20 (B) Comply with any other requirements the director
21 may prescribe; and



1 (C) Allow the director, the legislative bodies, and
2 the state auditor access to records, reports,
3 files, and other related documents, to the extent
4 permissible under applicable state and federal
5 law, so that the program, management, and fiscal
6 practices of the recipient may be monitored and
7 evaluated to ensure the proper and effective
8 expenditure of public funds; and

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

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

15 (g) The department shall submit an annual report to the
16 legislature no later than twenty days prior to the convening of
17 each regular session that outlines the receipts of and
18 expenditures from the trauma system special fund."

19 SECTION 3. Section 249-31, Hawaii Revised Statutes, is
20 amended to read as follows:

21 "**§249-31 State registration fee.** (a) All vehicles and
22 motor vehicles in the State as defined in section 249-1,



1 including antique motor vehicles, except as otherwise provided
2 in sections 249-4 and 249-6, shall be subject to a [~~\$25~~] \$ _____
3 annual vehicle registration fee. The fee shall become due and
4 payable on January 1, and shall be paid before April 1 in each
5 year together with all other taxes and fees levied by this
6 chapter; provided that should any county elect to renew motor
7 vehicle registrations on a staggered basis as authorized by
8 section 286-51, the state registration for that county shall
9 likewise be staggered so that the state registration fee is due
10 and payable at the same time and shall be collected together
11 with the county fee. The state registration fee shall be deemed
12 delinquent if not paid with the county registration fee. The
13 respective counties shall collect this fee together with the
14 vehicle registration tax collected for the county and shall
15 transfer the moneys collected under this section to the State.

16 (b) From each annual motor vehicle registration fee, the
17 director shall deposit \$20 into the state highway fund [~~and~~], \$5
18 into the emergency medical services special fund[~~-~~], and \$ _____
19 into the trauma system special fund."

20 SECTION 4. Section 36-27, Hawaii Revised Statutes, is
21 amended to read as follows:



1 **"§36-27 Transfers from special funds for central service**
2 **expenses.** Except as provided in this section, and
3 notwithstanding any other law to the contrary, from time to
4 time, the director of finance, for the purpose of defraying the
5 prorated estimate of central service expenses of government in
6 relation to all special funds, except the:

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



- 1 (12) Hawaii hurricane relief fund established under chapter
- 2 431P;
- 3 (13) Hawaii health systems corporation special funds;
- 4 (14) Tourism special fund established under section
- 5 201B-11;
- 6 (15) Universal service fund established under chapter 269;
- 7 (16) Integrated tax information management systems special
- 8 fund under section 231-3.2;
- 9 (17) Emergency and budget reserve fund under section
- 10 328L-3;
- 11 (18) Public schools special fees and charges fund under
- 12 section 302A-1130(f);
- 13 (19) Sport fish special fund under section 187A-9.5;
- 14 (20) Neurotrauma special fund under section 321H-4;
- 15 (21) Deposit beverage container deposit special fund under
- 16 section 342G-104;
- 17 (22) Glass advance disposal fee special fund established by
- 18 section 342G-82;
- 19 (23) Center for nursing special fund under section 304D-5;
- 20 (24) Passenger facility charge special fund established by
- 21 section 261-5.5;

1 (25) Solicitation of funds for charitable purposes special
2 fund established by section 467B-15;

3 (26) Land conservation fund established by section 173A-5;
4 [~~and~~

5 ~~+~~] (27) ~~[+]~~ Court interpreting services revolving fund under
6 ~~[+]~~ section 607-1.5~~[+]~~; and

7 (28) Trauma system special fund under section 321- ;

8 shall deduct five per cent of all receipts of all other special
9 funds, which deduction shall be transferred to the general fund
10 of the State and become general realizations of the State. All
11 officers of the State and other persons having power to allocate
12 or disburse any special funds shall cooperate with the director
13 in effecting these transfers. To determine the proper revenue
14 base upon which the central service assessment is to be
15 calculated, the director shall adopt rules pursuant to chapter
16 91 for the purpose of suspending or limiting the application of
17 the central service assessment of any fund. No later than
18 twenty days prior to the convening of each regular session of
19 the legislature, the director shall report all central service
20 assessments made during the preceding fiscal year."

21 SECTION 5. Section 36-30, Hawaii Revised Statutes, is
22 amended by amending subsection (a) to read as follows:

- 1 "(a) Each special fund, except the:
- 2 (1) Transportation use special fund established by section
- 3 261D-1;
- 4 (2) Special out-of-school time instructional program fund
- 5 under section 302A-1310;
- 6 (3) School cafeteria special funds of the department of
- 7 education;
- 8 (4) Special funds of the University of Hawaii;
- 9 (5) State educational facilities improvement special fund;
- 10 (6) Special funds established by section 206E-6;
- 11 (7) Aloha Tower fund created by section 206J-17;
- 12 (8) Funds of the employees' retirement system created by
- 13 section 88-109;
- 14 (9) Unemployment compensation fund established under
- 15 section 383-121;
- 16 (10) Hawaii hurricane relief fund established under chapter
- 17 431P;
- 18 (11) Convention center enterprise special fund established
- 19 under section 201B-8;
- 20 (12) Hawaii health systems corporation special funds;
- 21 (13) Tourism special fund established under section
- 22 201B-11;

- 1 (14) Universal service fund established under chapter 269;
2 (15) Integrated tax information management systems special
3 fund under section 231-3.2;
4 (16) Emergency and budget reserve fund under section
5 328L-3;
6 (17) Public schools special fees and charges fund under
7 section 302A-1130(f);
8 (18) Sport fish special fund under section 187A-9.5;
9 (19) Neurotrauma special fund under section 321H-4;
10 (20) Center for nursing special fund under section 304D-5;
11 (21) Passenger facility charge special fund established by
12 section 261-5.5; ~~and~~
13 (22) Court interpreting services revolving fund under
14 ~~[+]~~section 607-1.5~~[+]~~; and
15 (23) Trauma system special fund under section 321- ;

16 shall be responsible for its pro rata share of the
17 administrative expenses incurred by the department responsible
18 for the operations supported by the special fund concerned."

19 SECTION 6. There are established such positions as
20 necessary to implement the provisions of this Act. These
21 positions shall be appointed by the director of health without
22 regard to chapter 76, Hawaii Revised Statutes. These positions



1 shall be included in any benefit program generally applicable to
2 the officers and employees of the State.

3 SECTION 7. There is appropriated out of the general
4 revenues of the State of Hawaii the sum of \$1, or so much
5 thereof as may be necessary for fiscal year 2006-2007, to be
6 deposited into the trauma system special fund.

7 The sum appropriated shall be expended by the department of
8 health for the purposes of this Act.

9 SECTION 8. There is appropriated out of the trauma system
10 special fund the sum of \$1, or so much thereof as may be
11 necessary for fiscal year 2006-2007, to be expended by the
12 department of health for the purposes of this Act.

13 SECTION 9. The department of health shall submit an annual
14 report on the expenditures of the trauma system special fund and
15 the progress toward developing a fully integrated statewide
16 trauma system to the legislature not later than twenty days
17 prior to the convening of the regular session of 2007 and each
18 year thereafter.

19 SECTION 10. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.

21 SECTION 11. This Act shall take effect on July 1, 2006,
22 provided that section 3 shall take effect on October 1, 2006.



HB3142, SD2

Report Title:

Trauma Care

Description:

Establishes a trauma system fund to ensure and encourage the availability of trauma care in the State. Establishes dedicated sources of revenue for the fund. (SD2)

