
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 Response",
11 noted that "the rationale for public support of uncompensated
12 trauma services is the same as for critical police and fire
13 services; a trauma system is a necessary public service that
14 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 fund shall
5 not lapse at the end of the fiscal year. Expenditures from the
6 fund shall be exempt from chapters 103D and 103F.

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

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

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

21 (c) Fees remitted pursuant to section 249-31, interest and
22 investment earnings attributable to the moneys in the special



1 fund, federal funding, legislative appropriations, and grants,
2 donations, and contributions from private or public sources for
3 the purposes of the fund, shall be deposited into the special
4 fund.

5 (d) The department shall adopt rules pursuant to chapter
6 91 to effectuate the purposes of this section, including the
7 methodology for disbursements from the fund.

8 (e) To receive reimbursement, a hospital providing care to
9 trauma patients shall apply to the fund on a form and in a
10 manner approved by the department.

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

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

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

20 "**§249-31 State registration fee.** (a) All vehicles and
21 motor vehicles in the State as defined in section 249-1,
22 including antique motor vehicles, except as otherwise provided



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

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

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

21 "**§36-27 Transfers from special funds for central service**
22 **expenses.** Except as provided in this section, and



1 notwithstanding any other law to the contrary, from time to
2 time, the director of finance, for the purpose of defraying the
3 prorated estimate of central service expenses of government in
4 relation to all special funds, except the:

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

- 1 (13) Hawaii health systems corporation special funds;
- 2 (14) Tourism special fund established under section
- 3 201B-11;
- 4 (15) Universal service fund established under chapter 269;
- 5 (16) Integrated tax information management systems special
- 6 fund under section 231-3.2;
- 7 (17) Emergency and budget reserve fund under section
- 8 328L-3;
- 9 (18) Public schools special fees and charges fund under
- 10 section 302A-1130(f);
- 11 (19) Sport fish special fund under section 187A-9.5;
- 12 (20) Neurotrauma special fund under section 321H-4;
- 13 (21) Deposit beverage container deposit special fund under
- 14 section 342G-104;
- 15 (22) Glass advance disposal fee special fund established by
- 16 section 342G-82;
- 17 (23) Center for nursing special fund under section 304D-5;
- 18 (24) Passenger facility charge special fund established by
- 19 section 261-5.5;
- 20 (25) Solicitation of funds for charitable purposes special
- 21 fund established by section 467B-15;



1 (26) Land conservation fund established by section 173A-5;

2 [~~and~~]

3 [~~+~~] (27) [~~+~~] Court interpreting services revolving fund under

4 [~~+~~] section 607-1.5[~~+~~]; and

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

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

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

21 "(a) Each special fund, except the:



- 1 (1) Transportation use special fund established by section
2 261D-1;
- 3 (2) Special out-of-school time instructional program fund
4 under section 302A-1310;
- 5 (3) School cafeteria special funds of the department of
6 education;
- 7 (4) Special funds of the University of Hawaii;
- 8 (5) State educational facilities improvement special fund;
- 9 (6) Special funds established by section 206E-6;
- 10 (7) Aloha Tower fund created by section 206J-17;
- 11 (8) Funds of the employees' retirement system created by
12 section 88-109;
- 13 (9) Unemployment compensation fund established under
14 section 383-121;
- 15 (10) Hawaii hurricane relief fund established under chapter
16 431P;
- 17 (11) Convention center enterprise special fund established
18 under section 201B-8;
- 19 (12) Hawaii health systems corporation special funds;
- 20 (13) Tourism special fund established under section
21 201B-11;
- 22 (14) Universal service fund established under chapter 269;



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

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

18 SECTION 6. There are established such positions as
 19 necessary to implement the provisions of this Act. These
 20 positions shall be appointed by the director of health without
 21 regard to chapter 76. These positions shall be included in any



1 benefit program generally applicable to the officers and
2 employees of the State.

3 SECTION 7. There is appropriated out of the general
4 revenues of the State of Hawaii the sum of \$, or so
5 much thereof as may be necessary for fiscal year 2006-2007, to
6 be 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. The department of health shall submit an annual
10 report on the expenditures of the special fund and the progress
11 toward developing a fully integrated statewide trauma system to
12 the legislature twenty days prior to convening of the regular
13 session of 2007 and each year thereafter.

14 SECTION 9. Statutory material to be repealed is bracketed
15 and stricken. New statutory material is underscored.

16 SECTION 10. This Act shall take effect on July 1, 2006;
17 provided that section 3 shall take effect on October 1, 2006.



SB2764,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)

