

JAN 18 2013

A BILL FOR AN ACT

RELATING TO TRAFFIC SAFETY.

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

1 SECTION 1. The legislature finds that between 2007 and
2 2011, motor vehicle crashes were the third most frequent type of
3 unintentional injury death in Hawaii. During this time, there
4 were six hundred thirty-five combined vehicular deaths that
5 accounted for thirty per cent of unintentional injury deaths.

6 The legislature further finds that each year, there are
7 more than four thousand nonfatal injuries among car occupants in
8 Hawaii. The costs associated with these nonfatal injuries are
9 high, with nearly \$46,000 in average medical charges per
10 patient. Furthermore, the annual costs for emergency department
11 visits and hospitalizations associated with nonfatal motor
12 vehicle occupant injuries in Hawaii averaged \$28,600,000 a year
13 between 2007 and 2011.

14 The legislature additionally finds that traffic safety
15 injury prevention strategies can include educational campaigns,
16 personal protective equipment, law enforcement initiatives, and
17 engineering. Treatment for traffic related injuries can include
18 appropriate rehabilitative services, healthcare workforce



1 development training programs, and support for telemedicine
2 networks in all communities. However, these prevention
3 strategies and treatment related programs require money to
4 design, implement, and evaluate.

5 The legislature also finds that between 2007 and 2010,
6 inattentive or distracted driving was the third most common
7 contributing factor in fatal car crashes in Hawaii. Distracted
8 driving often occurs because of cell phone use. Therefore, a
9 surcharge on communications service connections could be used to
10 promote traffic safety injury prevention and treatment-related
11 programs.

12 The purpose of this Act is to establish a traffic safety
13 injury prevention and treatment surcharge on each communications
14 service connection, with revenue collected from the surcharge to
15 be deposited equally between the trauma system special fund and
16 the John A. Burns school of medicine special fund.

17 SECTION 2. Chapter 291C, Hawaii Revised Statutes, is
18 amended by adding a new section to part I to be appropriately
19 designated and to read as follows:

20 "§291C- Traffic safety injury prevention and treatment
21 surcharge. (a) A monthly traffic safety injury prevention and
22 treatment surcharge shall be imposed upon each communications



1 service connection, except connections of the public utility
2 providing telecommunications services and land line enhanced 911
3 services through section 269-16.95.

4 (b) The rate of the surcharge shall be set at 66 cents per
5 month for each communications service connection. The surcharge
6 shall have uniform application and shall be imposed on each
7 communications service connection operating within the State
8 except:

9 (1) Connections billed to federal, state, and county
10 governmental entities; and

11 (2) Prepaid connections.

12 (c) All communications service providers and resellers
13 shall bill to and collect from each of their customers a monthly
14 surcharge at the rate established for each communications
15 service connection. The communications service provider or
16 reseller may list the surcharge as a separate line item on each
17 bill. If a communications service provider or reseller receives
18 a partial payment for a monthly bill from a communications
19 service customer, the communications service provider or
20 reseller shall apply the payment against the amount the customer
21 owes the communications service provider or reseller, before
22 applying the partial payment against the surcharge.



1 (d) Each communications service provider or reseller may
2 retain up to two per cent of the amount of surcharges collected
3 to offset administrative expenses associated with billing and
4 collecting the surcharge.

5 (e) Within sixty days after the end of the calendar month
6 in which the surcharge is collected, an amount that represents
7 the surcharges collected less amounts retained for
8 administrative expenses incurred, as provided in subsection (d),
9 shall be remitted by the communications service provider or
10 reseller as follows:

- 11 (1) Fifty per cent to the trauma system special fund
12 established pursuant to section 321-22.5; and
13 (2) Fifty per cent to the John A. Burns school of medicine
14 special fund, established pursuant to section
15 304A-2171.

16 (f) The surcharges collected by the communications service
17 provider or reseller pursuant to this section shall not be
18 subject to any tax, fee, or assessment, nor are the surcharges
19 considered revenue of the provider or reseller.

20 (g) Each customer who is subject to this section shall be
21 liable to the State for the surcharge until it has been paid to
22 the communications service provider. Communications service



1 providers shall have no liability to remit surcharges that have
2 not been paid by customers. A communications service provider
3 or reseller shall have no obligation to take any legal action to
4 enforce the collection of the surcharge for which any customer
5 is billed. However, the department of health or the University
6 of Hawaii may initiate a collection action against the customer.
7 If the department of health or the University of Hawaii prevails
8 in such a collection action, reasonable attorney's fees and
9 costs shall be awarded.

10 (h) As used in this section, "communications service
11 connection", "communications service provider", "prepaid
12 connection", and "reseller" shall have the same meanings as in
13 section 138-1."

14 SECTION 3. Section 321-22.5, Hawaii Revised Statutes, is
15 amended to read as follows:

16 "**§321-22.5 Trauma system special fund[-]; surcharge**
17 **special account.** (a) There is established within the state
18 treasury a special fund to be known as the trauma system special
19 fund to be administered and expended by the department of
20 health. The fund shall consist of:

21 (1) Surcharges collected pursuant to sections 291-15,
22 291C-2, 291C-___, and 291E-7;



- 1 (2) Cigarette tax revenues designated under section
2 245-15;
- 3 (3) Federal funds granted by Congress or executive order
4 for the purpose of this chapter; provided that the
5 acceptance and use of federal funds shall not commit
6 state funds for services and shall not place an
7 obligation upon the legislature to continue the
8 purpose for which the federal funds are made
9 available;
- 10 (4) Funds appropriated by the legislature for this
11 purpose, including grants-in-aid;
- 12 (5) Grants, donations, and contributions from private or
13 public sources for the purposes of the trauma system
14 special fund; and
- 15 (6) Interest on and other income from the fund, which
16 shall be separately accounted for.

17 Moneys in the trauma system special fund shall not lapse at
18 the end of the fiscal year. Expenditures from the trauma system
19 special fund shall be exempt from chapters 103D and 103F.

20 (b) The moneys in the trauma system special fund shall be
21 used by the department to support the continuing development and
22 operation of a comprehensive state trauma system[-]; provided



1 that surcharges collected pursuant to section 291C- shall be
 2 used to support public health educational campaigns,
 3 rehabilitative services, healthcare workforce development
 4 training programs, and telemedicine networks as specified in
 5 subsection (c). The trauma system special fund shall be used to
 6 subsidize the documented costs for the comprehensive state
 7 trauma system, including but not limited to the following:

- 8 (1) Costs of under-compensated and uncompensated trauma
 9 care incurred by hospitals providing care to trauma
 10 patients;
- 11 (2) Costs incurred by hospitals providing care to trauma
 12 patients to maintain on-call physicians for trauma
 13 care; and
- 14 (3) Costs to staff and operate the State's injury
 15 prevention program.

16 The money in the trauma system special fund shall not be
 17 used to supplant funding for trauma services authorized prior to
 18 July 1, 2006, and shall not be used for ambulance or medical air
 19 transport services.

20 (c) Revenue generated from the traffic safety injury
 21 prevention and treatment surcharge pursuant to section 291C- ,
 22 shall be deposited into a special account in the trauma system

1 special fund. Moneys from the special account shall be used to
2 fund:

- 3 (1) Public health educational campaigns related to traffic
4 safety injury prevention;
- 5 (2) Rehabilitative services including patient and
6 caregiver counseling, education, and training;
- 7 (3) Healthcare workforce development training programs
8 associated with an accredited university; and
- 9 (4) Support for telemedicine networks in all communities
10 to ensure access to specialty care.

11 ~~[(e)]~~ (d) Disbursements from the fund shall be made in
12 accordance with a methodology established by the department of
13 health to calculate costs incurred by a hospital providing care
14 to trauma patients that are eligible to receive reimbursement
15 under subsection ~~[(d)-]~~ (b), (c), or (e). The methodology shall
16 take into account:

- 17 (1) Physician on-call coverage that is demonstrated to be
18 essential for trauma services within the hospital;
- 19 (2) Equipment that is demonstrated to be essential for
20 trauma services within the hospital;



1 (3) The creation of overflow or surge capacity to allow a
2 trauma center to respond to mass casualties resulting
3 from an act of terrorism or natural disaster; and

4 (4) All other hospital services and resources that are
5 demonstrated to be essential for trauma services
6 within the hospital.

7 The department shall adopt rules pursuant to chapter 91 to
8 effectuate the purposes of this section.

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

- 15 (1) The recipient of a reimbursement shall:
- 16 (A) Comply with applicable federal, state, and county
17 laws;
 - 18 (B) Comply with any other requirements the director
19 may prescribe;
 - 20 (C) Allow the director, the legislative bodies, and
21 the state auditor access to records, reports,
22 files, and other related documents, to the extent



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

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

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

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

14 [~~(e)~~] (f) Necessary administrative expenses to carry out
15 this section shall not exceed five per cent of the total amount
16 collected in any given year.

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

21 [~~(g)~~] (h) For the purposes of this section:

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

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

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

14 "Trauma center" means a facility verified by the American
15 College of Surgeons or designated by the department applying
16 American College of Surgeons recommendations as guidelines as
17 being a level I, level II, level III, or level IV trauma center.
18 Level I represents the highest level attainable by a verified
19 trauma center, and level IV represents the lowest level
20 attainable by a verified trauma center."

21 SECTION 4. Section 304A-2171, Hawaii Revised Statutes, is
22 amended to read as follows:



1 "§304A-2171 John A. Burns school of medicine special fund.

2 (a) There is established the John A. Burns school of medicine
3 special fund, to be administered and expended by the University
4 of Hawaii.

5 (b) The following shall be deposited into the special
6 fund:

- 7 (1) Appropriations by the legislature;
- 8 (2) Physician workforce assessment fees established
9 pursuant to section 453-8.8;
- 10 (3) Grants, donations, gifts, or other income received for
11 the purposes of the special fund; [and]
- 12 (4) Surcharges collected pursuant to section 291C- ; and
- 13 [~~(4)~~] (5) Interest earned or accrued on moneys in the
14 special fund.

15 (c) Moneys in the special fund shall be used to support
16 the John A. Burns school of medicine's activities related to
17 physician workforce assessment and planning within Hawaii;
18 provided that of the physician workforce assessment fees
19 transferred and deposited into the special fund pursuant to
20 section 453-8.8, no less than fifty per cent of the total amount
21 of assessment fees deposited shall be used for purposes
22 identified by the Hawaii medical education council to support

1 physician workforce assessment and planning efforts, including
 2 the recruitment and retention of physicians, for rural and
 3 medically underserved areas of the State; provided further that
 4 expenditures from the special fund shall be limited to no more
 5 than \$245,000 annually. This shall include but not be limited
 6 to maintaining accurate physician workforce assessment
 7 information and providing or updating personal and professional
 8 information, that shall be maintained in a secure database. The
 9 John A. Burns school of medicine may disclose information
 10 specific to any physician only with the express written consent
 11 of that physician.

12 (d) Moneys transferred and deposited into the special fund
 13 pursuant to section 291C- shall be used to support the John A.
 14 Burns school of medicine's medical residency program and
 15 activities related to education and training for trauma care,
 16 rehabilitative care, and emergency medical services."

17 SECTION 5. Statutory material to be repealed is bracketed
 18 and stricken. New statutory material is underscored.

19 SECTION 6. This Act shall take effect on July 1, 2013.

20

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S.B. NO. 489

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S.B. NO. 489

Report Title:

Traffic Safety; Communications Service; Traffic Safety Injury Prevention and Treatment Surcharge; Trauma System Special Fund; John A. Burns School of Medicine Special Fund

Description:

Establishes a traffic safety injury prevention and treatment surcharge on each communications service connection, with revenue collected from the surcharge to be deposited equally between the trauma system special fund and the John A. Burns school of medicine special fund.

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