

[Haw. Rev. Stat. § 321-22.5.]

§ 321-22.5. Trauma system special fund: Department of Health -- General and Administrative Provisions

(a) There is established within the state treasury a special fund to be known as the trauma system special fund to be administered and expended by the department of health. The fund shall consist of:

- (1) Surcharges collected pursuant to sections 291-15, 291C-2, and 291E-7;
- (2) Cigarette tax revenues designated under section 245-15;
- (3) Federal funds granted by Congress or executive order for the purpose of this chapter; provided that the acceptance and use of federal funds shall not commit state funds for services and shall not place an obligation upon the legislature to continue the purpose for which the federal funds are made available;
- (4) Funds appropriated by the legislature for this purpose, including grants-in-aid;
- (5) Grants, donations, and contributions from private or public sources for the purposes of the trauma system special fund; and
- (6) Interest on and other income from the fund, which shall be separately accounted for.

The unexpended and unencumbered moneys in the fund in excess of \$7,400,000 on June 30 of each fiscal year shall be transferred by the director of finance into and become a realization of the general fund on that date. Expenditures from the trauma system special fund shall be exempt from chapters 103D and 103F.

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

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

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

(c) Disbursements from the fund shall be made in accordance with a methodology established by the department of health to calculate costs incurred by a hospital providing care to trauma patients that are eligible to receive reimbursement under subsection (d). The methodology shall take into account:

- (1) Physician on-call coverage that is demonstrated to be essential for trauma services within the hospital;
- (2) Equipment that is demonstrated to be essential for trauma services within the hospital;
- (3) The creation of overflow or surge capacity to allow a trauma center to respond to mass casualties resulting from an act of terrorism or natural disaster; and
- (4) All other hospital services and resources that are demonstrated to be essential for trauma services within the hospital.

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

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

(1) The recipient of a reimbursement shall:

- (A) Comply with applicable federal, state, and county laws;
- (B) Comply with any other requirements the director may prescribe;
- (C) Allow the director, the legislative bodies, and the state auditor access to records, reports, files, and other related documents, to the extent permissible under applicable state and federal law, so that the program, management, and fiscal practices of the recipient may be monitored and evaluated to ensure the proper and effective expenditure of public funds;
- (D) Provide care to all injured patients regardless of their ability to pay; and
- (E) Participate in data collection and peer review activities for the purpose of system evaluation and improvement of patient care; and

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

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

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

(g) For the purposes of this section:

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

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

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

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

Note

Establishing positions, convening ad hoc committees, and annual report to legislature on fund. L 2006, c 305, §§5 to 7.

Law Journals and Reviews

Long-Term Care in Hawaii. 18 HBJ, no. 13, at 59 (2015).