

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas  
2 86th General Assembly  
3 Regular Session, 2007  
4

As Engrossed: H2/28/07 S3/23/07

# A Bill

HOUSE BILL 1575

5 By: Representatives Sumpter, Shelby, Adcock, Blount, T. Bradford, Breedlove, E. Brown, Burris, Cash,  
6 Cheatham, Cornwell, Davenport, Davis, Dunn, Flowers, Garner, Gaskill, George, R. Green, Greenberg,  
7 Hall, Harrelson, House, D. Hutchinson, Jeffrey, Key, Kidd, Lovell, Patterson, Pennartz, Pierce, Powers,  
8 S. Prater, Ragland, J. Roebuck, Saunders, L. Smith, Stewart, Wagner, Webb, Wills  
9 By: Senator Critcher

## For An Act To Be Entitled

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11  
12 AN ACT TO AMEND THE TRAUMA SYSTEM ACT, § 20-13-  
13 801 ET SEQ.; TO CREATE THE TRAUMA SYSTEM  
14 REVOLVING TRUST FUND; TO FUND THE STATEWIDE  
15 TRAUMA SYSTEM; AND FOR OTHER PURPOSES.  
16

## Subtitle

17  
18 TO AMEND THE TRAUMA SYSTEM ACT AND TO  
19 CREATE THE TRAUMA SYSTEM REVOLVING TRUST  
20 FUND.  
21  
22  
23

24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

25  
26 SECTION 1. Arkansas Code § 20-13-802 is amended to read as follows:  
27 20-13-802. Legislative findings.

28 The General Assembly finds that:

29 (1) Trauma is recognized as the leading killer of persons one  
30 (1) year to forty-four (44) years of age and is a serious yet preventable  
31 disease;

32 (2) Traumatic injuries are estimated to be responsible for over  
33 one hundred sixty-one thousand (161,000) deaths each year and children  
34 account for twenty-five percent (25%) of those deaths;

35 (3) In 2006, two thousand one hundred nineteen (2,119) Arkansans  
36 lost their lives due to trauma and twenty-five thousand three hundred eight



1 (25,308) were admitted to hospitals;

2 (4) The State of Arkansas incurs a massive expense from trauma  
3 in lives lost, productive years destroyed, and the emotional and monetary  
4 expense of caring for victims of trauma-; and

5 (5) The experience of other states has shown that a  
6 comprehensive trauma system including all phases of trauma care, from  
7 prevention, prehospital care, and trauma center designation to rehabilitative  
8 care, can vastly improve overall trauma problems.

9

10 SECTION 2. Arkansas Code § 20-13-804 is amended to read as follows:  
11 20-13-804. Powers and duties of the division.

12 (a) The Division of Health of the Department of Health and Human  
13 Services may develop and implement a comprehensive trauma care system that  
14 provides guidelines for the care of trauma victims and is fully integrated  
15 with all available resources, including, but not limited to, existing  
16 emergency medical services providers, hospitals, or other health care  
17 providers that would like to participate in the program.

18 (b)(1) The division shall develop a methodology for the allocation of  
19 funds deposited into the Trauma System Revolving Trust Fund.

20 (2) Allocations of funds from the Trauma System Revolving Trust  
21 Fund shall be made to:

22 (A) Ambulance providers;

23 (B) Hospitals;

24 (C) Physicians;

25 (D) Rehabilitation services; and

26 (E) Program administration, trauma injury prevention

27 programs, and the trauma registry within the Division of Health.

28 (3) The methodology for allocation of funds shall be developed  
29 with the advice of the Trauma Advisory Council.

30 ~~(b)(c)~~ The division shall promulgate ~~such rules and regulations as are~~  
31 rules necessary to implement and administer this subchapter.

32

33 SECTION 3. Arkansas Code § 20-13-807 is amended to read as follows:  
34 20-13-807. Trauma Advisory Council.

35 (a)(1) There is established an advisory council, to be known as the  
36 "Trauma Advisory Council", for the purpose of making recommendations,

1 advising, and providing assistance to the Division of Emergency Medical  
2 Services of the Division of Health of the Department of Health and Human  
3 Services concerning the development of a statewide trauma system.

4 (2) The council shall provide advice to the Division of  
5 Emergency Medical Services on the methodology for allocations from the Trauma  
6 System Revolving Trust Fund.

7 (b) The council shall consist of ~~twelve (12)~~ fifteen (15) members who  
8 have a demonstrated interest in trauma systems, to be appointed by the  
9 Governor as follows:

10 (1) One (1) member appointed from a list of two (2) nominees  
11 submitted by the Arkansas Chapter of the American College of Emergency  
12 Physicians;

13 (2) One (1) member appointed from a list of two (2) nominees  
14 submitted by the Arkansas Academy of Family Physicians;

15 (3) One (1) member appointed from a list of two (2) nominees  
16 submitted by the Arkansas Chapter of the American College of Surgeons;

17 (4) One (1) member appointed from a list of two (2) nominees  
18 submitted by the Arkansas Medical Society;

19 (5) ~~One (1) member~~ Four members appointed from a list of ~~two (2)~~  
20 eight (8) nominees submitted by the Arkansas Hospital Association;

21 (6) One (1) member appointed from a list of two (2) nominees  
22 submitted by the Governor's Emergency Medical Services Advisory Council;

23 (7) One (1) member appointed from a list of two (2) nominees  
24 submitted by the Arkansas Emergency Nurses' Association;

25 (8) One (1) member appointed from a list of two (2) nominees  
26 submitted by the Arkansas Emergency Medical Technicians' Association;

27 (9) One (1) member appointed from a list of two (2) nominees  
28 submitted by the Arkansas Ambulance Association;

29 (10) One (1) member appointed from a list of two (2) nominees  
30 submitted by the Arkansas Emergency Medical Services for Children Program;

31 (11) One (1) member appointed from a list of two (2) nominees  
32 submitted by the Arkansas Trauma Society; and

33 (12) One (1) member appointed from the public at large as a  
34 consumer representative who has an interest in trauma systems.

35 (c) The following shall also be members of the council:

36 (1) The Director of the Department of Health and Human Services

1 or the director's designee;

2 ~~(2) The Director of the Highway Safety Program of the Arkansas~~  
3 ~~State Highway and Transportation Department;~~

4 ~~(3) The Director of the Department of Arkansas State Police or~~  
5 ~~the director's designee;~~

6 ~~(4)(3) Two (2) members to be appointed by and to serve at the~~  
7 ~~pleasure of the President Pro Tempore of the Senate; and~~

8 ~~(5)(4) Four (4) members~~ Two (2) members to be appointed by and  
9 to serve at the pleasure of the Speaker of the House of Representatives.

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11 SECTION 4. Arkansas Code § 20-13-808(c), concerning required meetings  
12 of the Trauma Advisory Council, is amended to read as follows:

13 (c) The council shall meet at least ~~two (2)~~ four (4) times a year but  
14 may meet more frequently upon the call of the chair or at the request, stated  
15 in writing, of any seven (7) members of the council.

16  
17 SECTION 5. Arkansas Code Title 20, Chapter 13, Subchapter 8 is amended  
18 to add an additional section to read as follows:

19 20-13-809. Trauma System Revolving Trust Fund.

20 (a)(1) There is created on the books of the Treasurer of State, the  
21 Auditor of State, and the Chief Fiscal Officer of the State a revolving loan  
22 fund to be known as the "Trauma System Revolving Trust Fund".

23 (2) The Trauma System Revolving Trust Fund shall be used by the  
24 Division of Health of the Department of Health and Human Services to fund the  
25 state trauma system with the advice of the Trauma Advisory Council.

26 (b)(1) The Trauma System Revolving Trust Fund shall consist of:

27 (A) Moneys appropriated for the state trauma system;

28 (B) Federal funds;

29 (C) Gifts, grants, bequests, devises, and donations;

30 (D) Interest earned on the Trauma System Revolving Trust

31 Fund;

32 (E) Any other funds received by the Division of Health of  
33 the Department of Health and Human Services for the development and operation  
34 of a state trauma system; and

35 (F) Any other funds as authorized by law.

36 (2) The Trauma System Revolving Trust Fund shall retain fund

1 balances remaining each fiscal year and all amounts earned as interest.

2 (3) According to the rules set forth by the Division of Health,  
3 funds may be transferred to the Medicaid Trust Fund for payments to health  
4 care providers that treat eligible Medicaid patients for trauma care.

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6 SECTION 6. Arkansas Code Title 27, Chapter 22, Subchapter 1 is amended  
7 to add an additional section to read as follows:

8 27-22-109. Liability insurance surcharge.

9 (a) At the inception of an insurance policy covering any type of  
10 personal or commercial passenger vehicle, truck, semi-tractor trailer, farm  
11 equipment, motorcycle, or any other equipment or vehicle licensed under Title  
12 27, and one (1) time every six (6) months after the inception of the  
13 insurance policy, an insurer shall collect from the person or entity insured  
14 a surcharge of six dollars (\$6.00) for each personal or commercial passenger  
15 vehicle, truck, semi-tractor trailer, farm equipment, motorcycle, or any  
16 other equipment or vehicle licensed under Title 27 and insured in this state  
17 by the insurer.

18 (b) The surcharge under subsection (a) of this section shall be  
19 remitted to the Insurance Commissioner each September 30 and March 31 for  
20 deposit into the Trauma System Revolving Trust Fund in accordance with rules  
21 promulgated by the commissioner.

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23 /s/ Sumpter  
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