

2001 ASSEMBLY BILL 743

January 22, 2002 – Introduced by Representatives JOHNSRUD, URBAN, RHOADES, JESKEWITZ, MUSSER, OLSEN, STARZYK, TOWNSEND, HINES, LOEFFELHOLZ, BIES, J. LEHMAN, GUNDERSON, OTT, VRAKAS, SHILLING, TURNER, POCAN, MILLER, WASSERMAN, FREESE and SYKORA, cosponsored by Senators ROBSON, BURKE, ERPENBACH, SCHULTZ, HUELSMAN, ROSENZWEIG and COWLES. Referred to Committee on Health.

1 **AN ACT** *to amend* 15.197 (25) (c), 20.395 (4) (ax), 20.395 (4) (ax), 146.56 (1) and
 2 146.56 (2) of the statutes; and *to affect* 1997 Wisconsin Act 154, section 3 (2);
 3 **relating to:** the statewide trauma system and making appropriations.

Analysis by the Legislative Reference Bureau

Under current law, the department of health and family services (DHFS) must implement a statewide trauma system by July 1, 2002, and must seek the advice of the trauma advisory council in developing and implementing the system. The 13-member trauma advisory council terminates on July 1, 2002. Also under current law, DHFS must promulgate rules to develop and implement the system, including a method for classification of all hospitals as to their respective emergency care capabilities. These rules may not be submitted to the legislative council staff, as part of the rule-making process, until the joint committee on finance of the legislature first approves a report, prepared by DHFS and the trauma advisory council, on development and implementation of the statewide trauma system.

This bill extends the date for termination of the trauma advisory council to July 1, 2004; requires that confidential injury data collected under the state trauma system be used only for confidential review relating to performance improvements in the system; requires that DHFS, in developing the system, develop regional trauma advisory councils; and eliminates the requirement that the joint committee on finance approve a report on the system before DHFS submits proposed rules on the system to legislative council staff. In addition, the bill transfers \$185,000 in fiscal year 2001–02 and \$500,000 in fiscal year 2002–03 of federal grant moneys from the

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department of transportation to DHFS to provide program revenue project positions and fund expenses of and grants to regional advisory trauma councils.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 15.197 (25) (c) of the statutes is amended to read:

2 15.197 **(25)** (c) This subsection does not apply beginning on July 1, ~~2002~~ 2004.

3 **SECTION 2.** 20.395 (4) (ax) of the statutes, as affected by 2001 Wisconsin Act 16,
4 is amended to read:

5 20.395 **(4)** (ax) *Departmental management and operations, federal funds.* All
6 moneys received from the federal government for the administration and
7 management of departmental programs except those programs under subs. (2) (bx)
8 and (dx) and (3) (ix), and for departmental planning and administrative activities
9 including all moneys received as federal aid as authorized by the governor under s.
10 16.54 to promote highway safety and continue the local traffic safety representatives
11 program and for purposes of s. 85.07 and for activities related to the transportation
12 employment and mobility program under s. 85.24 that are not funded from the
13 appropriation under sub. (1) (bs), (bv), or (bx), and to transfer to the appropriation
14 account under s. 20.505 (1) (z) the amounts in the schedule under s. 20.505 (1) (z) for
15 such purposes, and for the transfers under 2001 Wisconsin Act (this act), section
16 7 (1).

17 **SECTION 3.** 20.395 (4) (ax) of the statutes, as affected by 2001 Wisconsin Acts
18 16 and (this act), is amended to read:

19 20.395 **(4)** (ax) *Departmental management and operations, federal funds.* All
20 moneys received from the federal government for the administration and

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1 management of departmental programs except those programs under subs. (2) (bx)
2 and (dx) and (3) (ix), and for departmental planning and administrative activities
3 including all moneys received as federal aid as authorized by the governor under s.
4 16.54 to promote highway safety and continue the local traffic safety representatives
5 program and for purposes of s. 85.07 and for activities related to the transportation
6 employment and mobility program under s. 85.24 that are not funded from the
7 appropriation under sub. (1) (bs), (bv), or (bx), and to transfer to the appropriation
8 account under s. 20.505 (1) (z) the amounts in the schedule under s. 20.505 (1) (z) for
9 such purposes, ~~and for the transfers under 2001 Wisconsin Act (this act), section~~
10 ~~7 (1).~~

11 **SECTION 4.** 146.56 (1) of the statutes is amended to read:

12 146.56 (1) Not later than July 1, 2002, the department shall develop and
13 implement a statewide trauma care system and, as part of the system, shall develop
14 regional trauma advisory councils. The department shall seek the advice of the
15 statewide trauma advisory council under s. 15.197 (25) in developing and
16 implementing the system.

17 **SECTION 5.** 146.56 (2) of the statutes is amended to read:

18 146.56 (2) The department shall promulgate rules to develop and implement
19 the system. The rules shall include a method by which to classify all hospitals as to
20 their respective emergency care capabilities. The classification rule shall be based
21 on standards developed by the American College of Surgeons. Within 180 days after
22 promulgation of the classification rule, and every ~~4~~ 3 years thereafter, each hospital
23 shall certify to the department the classification level of trauma care services that
24 is provided by the hospital, based on the rule. The department may require a hospital
25 to document the basis for its certification. The department may not direct a hospital

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1 to establish a certain level of certification. Confidential injury data that is collected
2 under this subsection shall be used for confidential review relating to performance
3 improvements in the trauma care system, and may be used for no other purpose.

4 **SECTION 6.** 1997 Wisconsin Act 154, section 3 (2) is amended to read:

5 [1997 Wisconsin Act 154] Section 3 (2) JOINT COMMITTEE ON FINANCE REVIEW. The
6 department of health and family services shall submit the report under subsection
7 (1) to the joint committee on finance of the legislature for its review under section
8 13.10 of the statutes. ~~The department of health and family services may not submit~~
9 ~~the rules under section 146.56 (2) of the statutes, as created by this act, to the~~
10 ~~legislative council staff for review under section 227.15 of the statutes until the joint~~
11 ~~committee on finance approves the report under subsection (1).~~

12 **SECTION 7. Nonstatutory provisions.**

13 (1) STATEWIDE TRAUMA CARE SYSTEM. From the appropriation account under
14 section 20.395 (4) (ax) of the statutes, as affected by this act, the department of
15 transportation shall transfer \$185,000 in fiscal year 2001–02 and \$500,000 in fiscal
16 year 2002–03 to the appropriation under section 20.435 (1) (kx) of the statutes for the
17 purposes of the statewide trauma care system under section 146.56 of the statutes.

18 (2) STATEWIDE TRAUMA CARE SYSTEM; POSITIONS. The authorized FTE positions
19 for the department of health and family services are increased by 2.0 PR project
20 positions, to be funded from the appropriation account under section 20.435 (1) (kx)
21 of the statutes, for the purposes of the statewide trauma care system under section
22 146.56 of the statutes, as affected by this act, for the period beginning on July 1, 2001,
23 and ending on June 30, 2003.

24 (3) STATEWIDE TRAUMA CARE SYSTEM; REGIONAL ADVISORY TRAUMA COUNCILS. From
25 the appropriation account under section 20.435 (1) (kx) of the statutes, the

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1 department of health and family services shall expend \$25,000 in state fiscal year
2 2001–02 and \$50,000 in state fiscal year 2002–03 for expenses of the regional
3 advisory trauma councils under section 146.56 (1) of the statutes, as affected by this
4 act, and shall distribute \$290,000 in state fiscal year 2002–03 as grants to regional
5 advisory trauma councils for performance of activities under the statewide trauma
6 system.

7 **SECTION 8. Effective date.**

8 (1) STATEWIDE TRAUMA CARE SYSTEM. The treatment of section 20.395 (4) (ax) of
9 the statutes (by SECTION 7) takes effect on July 1, 2003.

10 (END)