

## **BILL ANALYSIS**

Senate Research Center  
83R20059 KKR-F

C.S.S.B. 830  
By: Schwertner  
Health & Human Services  
4/10/2013  
Committee Report (Substituted)

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Level IV (basic) trauma facilities are the lowest tier of trauma facilities in the state. These facilities provide resuscitation and stabilization to critically injured patients despite having limited resources. In addition, level IV facilities develop entry points into the trauma system and can arrange for appropriate transfer of major and severe trauma patients to a higher level trauma facility when medically necessary. Although a level IV facility may not be able to provide surgical intervention, the facility can provide access to an on-call trauma physician.

Current regulations require that a level IV trauma facility have a "[p]hysician with special competence in the care of critically injured patients, who is [a] designated member of the trauma team and who is on-call (if not in-house 24/7) and promptly available within 30 minutes of request from inside or outside the hospital." These regulations further provide that a hospital's telemedical capabilities may not satisfy this requirement. However, these regulations have not been amended in years and may be outdated in light of current technology.

C.S.S.B. 830 reevaluates these regulations by providing that a level IV trauma facility located in a county with a population of less than 50,000 may provide medical care to patients through the use of telemedicine provided by an on-call physician who has special competence in the care of critically injured patients. This will allow more health care facilities in rural counties to be designated as level IV trauma facilities and provide for more entry points into the trauma system.

C.S.S.B. 830 amends current law relating to use of telemedicine in certain trauma facilities.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 2 of this bill.

Rulemaking authority granted to the Department of State Health Services is restricted in SECTION 1 (Section 773.1151, Health and Safety Code).

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter E, Chapter 773, Health and Safety Code, by adding Section 773.1151, as follows:

Sec. 773.1151. USE OF TELEMEDICINE BY CERTAIN TRAUMA FACILITIES. (a) Defines "telemedicine" in this section.

(b) Authorizes a health care facility located in a county with a population of less than 50,000 to use telemedicine to satisfy a level IV trauma facility designation requirement relating to physicians if an on-call physician who has special competence in the care of critically injured patients uses telemedicine to provide patient assessment, diagnosis, consultation, or treatment or to transfer medical data to a physician, advanced practice nurse, or physician assistant located at the facility.

(c) Prohibits Department of State Health Services rules, as part of the requirements for designation of the facility as a level IV trauma facility, from requiring the physical presence or physical availability of a physician who has special competence in the care of critically injured patients and from prohibiting the use of telemedicine that meets the requirements of Subsection (b).

SECTION 2. Requires the executive commissioner of the Health and Human Services Commission to adopt rules to implement Section 773.1151, Health and Safety Code, as added by this Act, not later than December 1, 2013.

SECTION 3. Authorizes a health care facility located in a county with a population of less than 50,000, notwithstanding Section 773.1151, Health and Safety Code, as added by this Act, to use telemedicine to satisfy a level IV trauma facility designation requirement only on or after January 1, 2014.

SECTION 4. Effective date: upon passage or September 1, 2013.