

NOTICE OF PROPOSED RULE ADOPTION

STATE OF MISSISSIPPI  
STATE BOARD OF HEALTH

MISSISSIPPI DEPARTMENT OF HEALTH  
OFFICE OF EMERGENCY PLANNING &  
RESPONSE  
c/o Arthur C. Sharpe, Jr.  
P.O. Box 1700  
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601-576-7680  
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Specific Legal Authority authorizing the promulgation of  
Rule: House Bill 1405  
  
Reference to Rules repealed, amended or suspended by the  
Temporary Rule:  
  
The Mississippi Trauma Care Regulations

**Explanation of the Purpose of the Proposed Rule and the reason(s) for the rule:**

To comply with legislative action regarding the Mississippi Trauma Care Regulations

This rule is proposed as a (x) Final Rule, and/or a ( ) Temporary Rule (Check one or both boxes as applicable.)

Persons may present their views on the proposed rule by addressing written comments to the agency at the above address. Persons making comments should include their name and address, as well as other contact information, and if you are an agent or attorney, the name, address and telephone number of the party or parties you represent.

**Oral Proceeding** (Check one box below):

X An oral proceeding is scheduled on this rule on June 24, 2008 at 2:00 p.m. at the Mississippi Department of Health – Osborne Auditorium in Jackson, MS.

If you wish to be heard and present evidence at the oral proceeding you must make a written request to the agency at the above address at least five (5) days prior to the proceeding to be placed on the agenda. The request should include your name, address, telephone number as well as other contact information; and if you are an agent or attorney, the name, address and telephone number of the parties you represent.

9 An oral proceeding is not scheduled on this rule. Where an oral proceeding is not scheduled, an oral proceeding will be held if a written request for an oral proceeding is submitted by a political subdivision, an agency or ten (10) persons. The written request should be submitted to the agency contact person at the above address within twenty (20) days after the filing of this Notice of Proposed Rule Adoption and should include the name, address and telephone number of the person(s) making the request; and if you are an agent or attorney, the name, address and telephone number of the party or parties you represent.

**Economic Impact Statement** (Check one box below):

9 The agency has determined that an economic impact statement is not required for this rule, or  
X The concise summary of the economic impact statement required is attached.

The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.

Date Rule Proposed: **June 4, 2008**

Proposed Effective Date: **August 8, 2008**



**Arthur C. Sharpe, Jr., Director**  
**Office of Emergency Planning & Response**

**Mississippi State Department of Health  
Bureau of Emergency Medical Services**

**SUMMARY OF MODIFICATIONS TO:  
Mississippi Trauma Care System Regulations**

<b>CHAPTER/PAGE</b>	<b>SECTION</b>
<b><u>Chapter 1</u></b> Page 1 Page 2-3 Page 11	<b><u>THE MISSISSIPPI TRAUMA CARE SYSTEM</u></b> 100.01 Purpose 100.02 Advisory Council 100.03 Definitions
<b><u>Chapter 2</u></b> Page 13	<b><u>TRAUMA CARE REGIONS</u></b> 200.01 Policy Statement
<b><u>Chapter 3</u></b> Page 14 Page 16 Page 18	<b><u>REGIONAL TRAUMA PLAN DEVELOPEMENT</u></b> 300.01 Procedure for Submission of Trauma Plan 300.07 Additional Standards and Prohibitions 301.02 Operation of a Trauma Care Region 301.03 Regional Trauma Care Boards May Receive and Expend Funds 301.04 Hospital Medical Documentation 301.05
<b><u>Chapter 4</u></b> Page 20 Page 21 Page 24 Page 29	<b><u>FINANCIAL SUPPORT FOR TRAUMA SYSTEM DEVELOPMENT</u></b> 400.02 Financial Support for Regional Administration 400.04 Uncompensated Trauma Care Distribution Process 400.05 Pay or Play 401.01 Trauma Care Regions to Implement Trauma Data Collection
<b><u>Chapter 5</u></b> Page 30	<b><u>TRAUMA SYSTEM EVALUATION</u></b> 500.01 Development of Evaluation Process
<b><u>Chapter 8</u></b> Page 34 Page 45	<b><u>TRAUMA CENTER LEVELS</u></b> Trauma Center Levels 804.08 Performance Improvement/Evaluation 804.09
<b><u>Chapter 9</u></b> Page 57	<b><u>LEVEL II TRAUMA CENTERS</u></b> 903.08 Performance Improvement/Evaluation
<b><u>Chapter 10</u></b> Page 67	<b><u>LEVEL III TRAUMA CENTERS</u></b> 1003.10 Performance Improvement/Evaluation
<b><u>Chapter 11</u></b> Page 71	<b><u>LEVEL IV TRAUMA CENTERS</u></b> 1100.05 Trauma Registry
<b><u>Chapter 12</u></b> Page 74 Page 78 Page 79	<b><u>STATE DESIGNATION OF TRAUMA CENTERS</u></b> 1200.01 Trauma Center Application Process 1200.06 Process Appeal for Failing Trauma Center Inspection 1200.07 Categories of Trauma Center Designation
<b><u>Chapter 14</u></b> Page 83 Page 83	<b><u>MISSISSIPPI BURN CARE FUND</u></b> Mississippi Burn Care Fund 1400.01 Distribution of the Mississippi Burn Care Fund

# CONCISE SUMMARY OF ECONOMIC IMPACT STATEMENT

## STATE OF MISSISSIPPI STATE BOARD OF HEALTH

**MISSISSIPPI DEPARTMENT OF HEALTH  
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**Specific Legal Authority authorizing the promulgation of  
Rule:** House Bill 1405

**Reference to Rules repealed, amended or suspended by the  
Temporary Rule:**

The Mississippi Trauma Care Regulations

An Economic Impact Statement is required for this proposed rule by Section 25-43-3.105 of the Administrative Procedures Law. This is a Concise Summary of the Economic Impact Statement which must be filed with the Notice of Proposed Rule Adoption in the Secretary of State's Office. The full text of the Economic Impact Statement may be obtained from the agency contact person at the above address.

Persons may present their views by submitting written comments on the proposed rule adoption to the agency contact person at the above address. Additional information on where, when and how persons may present their views or demand an oral proceeding on the proposed rule are included in the Notice of Proposed Rule Adoption to which this is attached.

a. **Description of the need for and the benefits of the proposed rule:** This has a projected collection of approximately \$10,000,000.00 which shall assist greatly in the undue financial trauma burden placed on those taking the initiative to provide this necessary care despite the 40 million in uncompensated trauma care each year.

b. **Cost estimate to the agency and other state or local government entities:** Currently, approximately \$1,345,500.00 is applied to the administration of the statewide trauma system. This will easily increase to \$2,095,000.00 with the additional workload and active participation level. The number of monitored hospitals will increase by 20 to 98 acute care facilities – all submitting data to the statewide trauma registry. Financial auditing, data auditing, performance improvement monitoring and periodic hospitals inspections are all activities where workload will be significantly increased.

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c. **Estimate of the cost or economic benefit to all persons:** At least ninety percent of funds collected will be distributed to hospitals and physicians for uncompensated care rendered to citizens and visitors to the state thus reducing the financial burden on the community.

d. **Analysis of the impact on small business:** Level IV trauma centers are generally licensed, small, rural facilities with a commitment to the resuscitation of the trauma patient and written transfer protocols in place to assure those patients who require a higher level of care are appropriately transferred. These facilities may be staffed by a physician, or a licensed midlevel practitioner (i.e. advanced practice nurse) or Registered Nurse. The major trauma patient will be resuscitated and transferred. This level of trauma center is not subject to this fee schedule.

e. **Comparison of the costs and benefits of the proposed rule to the probable costs and benefits of not adopting the rule:** Trauma is the nation's largest healthcare dilemma. Without appropriate care, mortality and morbidity will increase significantly. The 10 million projected to be collected from the "Pay or Play" system is a significant portion of the 40 million needed to maintain and improve the current system.

f. **Determination as to whether less costly or less intrusive methods exist to achieve the purpose of the rule:** Should all Mississippi licensed acute care facilities participate as required, no fee will be imposed and the financial burden will be more appropriately distributed across the state.

**g. Description of reasonable alternative methods and reasons for rejection of the alternative methods:** N/A

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f. Data and methodology in making the estimates in the economic impact statement: The Governor's 2007 Trauma Care Task Force with the assistance of Mississippi Health Policy developed a detailed report to the Governor and Legislature detailing the History of Trauma and Burn Legislation, the current State of the Trauma System, Task Force Findings, Policy Options and Task Force Recommendations.

This information, along with that detailed in House Bill 1405 as approved by the Governor, Miss. Code Ann. Title 41, and historical performance of the system.

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**Proposed Effective Date of Rule:** August 8, 2008



**Arthur C. Sharpe, Jr., Director  
Office of Emergency Planning & Response**