



OFFICE OF GENERAL COUNSEL
INTEROFFICE MEMORANDUM
Austin, Texas

TO: Kathryn C. Perkins, Chief
Emergency Management Bureau

FROM: Donald Jansky
Office of General Counsel

DATE: April 29, 2003

RE: "Trauma Facility" Designation for Pediatric Hospitals

It appears that the definitions in Chapter 773 of the Texas Health and Safety Code (HSC), particularly the definitions for a "trauma facility" [HSC 773.03(19)], a "trauma patient" [HSC 773.03(20)], and "trauma services" [HSC 773.03(22)] do not distinguish between an "adult trauma patient" and a "pediatric trauma patient".

Likewise, it appears that Chapter 773 of the Texas Health and Safety Code, Sections 773.112 thru 773.115 also does not make any delineated categories of types of "trauma facilities" with regard to the age of the patient. More importantly, HSC 773.112(c)(8) directs that the Texas Department of Health (Department) in adopting rules for the designation of "trauma facilities" must include "assurances that designated trauma facilities will not refuse to accept the transfer of a trauma patient from another facility solely because of the person's....age...."

Additionally, the current rules of the Department in Title 25 of the Texas Administrative Code (TAC), Chapter 157, Section 157.125 do not distinguish between/among any types of "trauma facilities" with regard to the age of the patient. Only that a hospital seeking trauma facility designation as either a Level One or Level Two, must "meet or exceed the current American College of Surgeons (ACS) essential criteria for a verified Level One or Level Two trauma center..." [25 TAC 157.125(a)(1) & (2)]. And the ACS criteria does not delineate trauma facilities or centers based upon the age of the patients that are treated, according to Asst. Bureau Chief, Emergency Management Bureau, Steve Janda's understanding.

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Although the Texas Health and Safety Code has definitions for: 1) "General hospital" [HSC 241.003(5)], 2) "Pediatric and adolescent hospital" HSC 241.003(9), and 3) "Special hospital" [HSC 241.003(15)] and likewise THD rules have definitions for the same three categories, there is only one category of hospital license and that is for a "general hospital". The statutory and regulatory definition for "Pediatric and adolescent hospital" is "a general hospital that specializes in providing services to children and adolescents..." (emphasis added). But that definition does not state that such hospitals treat only children and/or adolescents to the exclusion of adults – only that such hospital "specializes" in the providing services to children.

Therefore, until the state law authorizing the Department to designate a hospital as a "trauma facility" is changed or modified, it cannot make a separate or distinguished designation of "pediatric trauma facility" even though the hospital, applying for "trauma facility" designation specializes in providing services to pediatric and/or adolescent patients. There does not appear to be anything in current Texas state law or Department regulations that prevent the Department from designating a hospital, that primarily serves pediatric patients, as a "trauma facility", provided that such hospital can show that it has been "verified" by the ACS as having met the "essential criteria" for designation as either a Level One or Level Two trauma center – and that such verification would include verification that such pediatric facility can meet the requirements for treating ALL trauma patients, including adult trauma patients.