

5972

2013-2014 Regular Sessions

I N S E N A T E

October 28, 2013

Introduced by Sen. LARKIN -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the public health law, in relation to the reduction of hours or closure of a hospital emergency department

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. The public health law is amended by adding a new section
2 2801-h to read as follows:
3 S 2801-H. PUBLIC HEARING ON HOSPITAL EMERGENCY DEPARTMENT REDUCTION OF
4 HOURS OR CLOSURE. 1. NO LATER THAN SIX MONTHS PRIOR TO A GENERAL HOSPI-
5 TAL PROPOSING THE REDUCTION OF HOURS OR CLOSURE OF THE EMERGENCY DEPART-
6 MENT OF SUCH GENERAL HOSPITAL, THE COMMISSIONER SHALL HOLD A PUBLIC
7 HEARING FOR THE PURPOSE OF OBTAINING PUBLIC INPUT CONCERNING THE ANTIC-
8 IPATED IMPACT OF THE REDUCTION OF HOURS OR GENERAL HOSPITAL'S EMERGENCY
9 DEPARTMENT CLOSURE ON ACCESS TO HEALTH CARE SERVICES BY MEMBERS OF THE
10 SURROUNDING COMMUNITY, INCLUDING BUT NOT LIMITED TO, RECIPIENTS OF
11 MEDICAL ASSISTANCE FOR NEEDY PERSONS, THE UNINSURED, AND UNDERSERVED
12 POPULATIONS, AND OPTIONS AND PROPOSALS TO AMELIORATE SUCH ANTICIPATED
13 IMPACT. THE COMMISSIONER SHALL AFFORD COMMUNITY MEMBERS, HEALTH CARE
14 PROVIDERS, LABOR UNIONS, PAYERS, BUSINESSES AND CONSUMERS A REASONABLE
15 OPPORTUNITY TO SPEAK ABOUT RELEVANT MATTERS AT SUCH COMMUNITY FORUM.
16 2. A PUBLIC HEARING CONDUCTED PURSUANT TO THIS SECTION SHALL BE HELD
17 AT A LOCATION WITHIN A REASONABLE PROXIMITY TO SUCH GENERAL HOSPITAL
18 EMERGENCY DEPARTMENT SUBJECT TO REDUCTION OF HOURS OR CLOSURE, AND SHALL
19 BE ANNOUNCED NO LESS THAN TEN DAYS PRIOR TO THE DATE OF SUCH PUBLIC
20 HEARING.
21 3. NO HOSPITAL EXECUTIVE BONUSES SHALL BE GIVEN IN A CALENDAR YEAR IN
22 WHICH A REQUEST TO REDUCE THE HOURS OR CLOSE A HOSPITAL EMERGENCY
23 DEPARTMENT IS SENT TO THE DEPARTMENT, AN APPLICATION IS IN THE PROCESS
24 OF BEING REVIEWED BY THE DEPARTMENT TO REDUCE THE HOURS OR CLOSE A
25 HOSPITAL EMERGENCY DEPARTMENT OR IN THE CALENDAR YEAR FOLLOWING A FINAL

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets
[] is old law to be omitted.

LBD11932-02-3

1 DECISION BY THE DEPARTMENT TO REDUCE THE HOURS OR CLOSE SUCH HOSPITAL
2 EMERGENCY DEPARTMENT.

3 S 2. Any hospital emergency department reduction of hours or closure
4 pending before the department of health shall be delayed and subject to
5 the provisions of section 2801-h of the public health law, as added by
6 section one of this act.

7 S 3. This act shall take effect immediately.