

S T A T E O F N E W Y O R K

5972--A

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 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 FROM RECEIVING A PROPOSAL
5 FROM A GENERAL HOSPITAL FOR THE REDUCTION OF HOURS OR CLOSURE OF AN
6 EMERGENCY DEPARTMENT OF SUCH GENERAL HOSPITAL, THE COMMISSIONER SHALL
7 HOLD A PUBLIC HEARING FOR THE PURPOSE OF OBTAINING PUBLIC INPUT CONCERN-
8 ING THE ANTICIPATED IMPACT OF THE REDUCTION OF HOURS OR GENERAL HOSPI-
9 TAL'S EMERGENCY DEPARTMENT CLOSURE ON ACCESS TO HEALTH CARE SERVICES BY
10 MEMBERS OF THE SURROUNDING COMMUNITY, INCLUDING BUT NOT LIMITED TO,
11 RECIPIENTS OF MEDICAL ASSISTANCE FOR NEEDY PERSONS, THE UNINSURED, AND
12 UNDERSERVED POPULATIONS, AND OPTIONS AND PROPOSALS TO AMELIORATE SUCH
13 ANTICIPATED IMPACT. THE COMMISSIONER SHALL AFFORD COMMUNITY MEMBERS,
14 HEALTH CARE PROVIDERS, LABOR UNIONS, PAYERS, BUSINESSES AND CONSUMERS A
15 REASONABLE OPPORTUNITY TO SPEAK ABOUT RELEVANT MATTERS AT SUCH COMMUNITY
16 FORUM.
17 2. A PUBLIC HEARING CONDUCTED PURSUANT TO THIS SECTION SHALL BE HELD
18 AT A LOCATION WITHIN A REASONABLE PROXIMITY TO SUCH GENERAL HOSPITAL
19 EMERGENCY DEPARTMENT SUBJECT TO REDUCTION OF HOURS OR CLOSURE, AND SHALL
20 BE ANNOUNCED NO LESS THAN TEN DAYS PRIOR TO THE DATE OF SUCH PUBLIC
21 HEARING.
22 3. NO HOSPITAL EXECUTIVE BONUSES SHALL BE GIVEN IN A CALENDAR YEAR IN
23 WHICH A REQUEST TO REDUCE THE HOURS OR CLOSE A HOSPITAL EMERGENCY

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

LBD11932-04-3

1 DEPARTMENT IS SENT TO THE DEPARTMENT, AN APPLICATION IS IN THE PROCESS
2 OF BEING REVIEWED BY THE DEPARTMENT TO REDUCE THE HOURS OR CLOSE A
3 HOSPITAL EMERGENCY DEPARTMENT OR IN THE CALENDAR YEAR OF AND THE CALEN-
4 DAR YEAR FOLLOWING A FINAL DECISION BY THE DEPARTMENT TO REDUCE THE
5 HOURS OR CLOSE SUCH HOSPITAL EMERGENCY DEPARTMENT.
6 S 2. Any hospital emergency department reduction of hours or closure
7 pending before the department of health shall be delayed and subject to
8 the provisions of section 2801-h of the public health law, as added by
9 section one of this act.
10 S 3. This act shall take effect immediately.