

6561

I N S E N A T E

February 6, 2014

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

AN ACT to amend the public health law, in relation to hospital-sponsored off campus emergency departments

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

1 Section 1. Subdivision 1 of section 2801 of the public health law, as
2 separately amended by chapters 297 and 416 of the laws of 1983, is
3 amended to read as follows:
4 1. "Hospital" means a facility or institution engaged principally in
5 providing services by or under the supervision of a physician or, in the
6 case of a dental clinic or dental dispensary, of a dentist, for the
7 prevention, diagnosis or treatment of human disease, pain, injury,
8 deformity or physical condition, including, but not limited to, a gener-
9 al hospital, HOSPITAL-SPONSORED OFF CAMPUS EMERGENCY DEPARTMENT, public
10 health center, diagnostic center, treatment center, dental clinic,
11 dental dispensary, rehabilitation center other than a facility used
12 solely for vocational rehabilitation, nursing home, tuberculosis hospi-
13 tal, chronic disease hospital, maternity hospital, lying-in-asylum,
14 out-patient department, out-patient lodge, dispensary and a laboratory
15 or central service facility serving one or more such institutions, but
16 the term hospital shall not include an institution, sanitarium or other
17 facility engaged principally in providing services for the prevention,
18 diagnosis or treatment of mental disability and which is subject to the
19 powers of visitation, examination, inspection and investigation of the
20 department of mental hygiene except for those distinct parts of such a
21 facility which provide hospital service. The provisions of this article
22 shall not apply to a facility or institution engaged principally in
23 providing services by or under the supervision of the bona fide members
24 and adherents of a recognized religious organization whose teachings
25 include reliance on spiritual means through prayer alone for healing in
26 the practice of the religion of such organization and where services are
27 provided in accordance with those teachings.

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

LBD13794-02-4

1 S 2. Section 2801 of the public health law is amended by adding a new
2 subdivision 11 to read as follows:

3 11. "HOSPITAL-SPONSORED OFF CAMPUS EMERGENCY DEPARTMENT" MEANS AN
4 EMERGENCY DEPARTMENT THAT IS OWNED BY A GENERAL HOSPITAL AND GEOGRAPH-
5 ICALLY REMOVED FROM THE GENERAL HOSPITAL'S INPATIENT CAMPUS.

6 S 3. The public health law is amended by adding a new section 2802-b
7 to read as follows:

8 S 2802-B. EMERGENCY DEPARTMENTS AND HOSPITAL-SPONSORED OFF CAMPUS
9 EMERGENCY DEPARTMENTS. 1. A HOSPITAL-SPONSORED OFF CAMPUS EMERGENCY
10 DEPARTMENT SHALL GENERALLY OPERATE TWENTY-FOUR HOURS PER DAY, SEVEN DAYS
11 PER WEEK. HOWEVER, UPON APPLICATION AND APPROVAL UNDER SUBDIVISION TWO
12 OF SECTION TWENTY-EIGHT HUNDRED TWO OF THIS ARTICLE, INCLUDING APPROVAL
13 BY THE PUBLIC HEALTH AND HEALTH PLANNING COUNCIL, PART-TIME OPERATION AT
14 A MINIMUM OF TWELVE HOURS PER DAY MAY BE ALLOWED FOR A HOSPITAL-SPON-
15 SORED OFF CAMPUS EMERGENCY DEPARTMENT. SUCH APPROVAL SHALL ONLY BE MADE
16 UPON A FINDING THAT LOCAL SPECIAL CIRCUMSTANCES NECESSITATE PART-TIME
17 OPERATION AND WITH CONSIDERATION FOR THE QUALITY AND ACCESSIBILITY OF
18 EMERGENCY CARE AND THE PUBLIC INTEREST.

19 2. A HOSPITAL-SPONSORED OFF CAMPUS EMERGENCY DEPARTMENT SHALL BE
20 SUBJECT TO THE SAME STANDARDS AND REQUIREMENTS AS A GENERAL
21 HOSPITAL-BASED EMERGENCY DEPARTMENT WITH REGARD TO MINIMUM TRAINING OF
22 PROVIDERS, STAFFING, SERVICES AND CAPACITY TO STABILIZE, AND TREAT AS
23 APPROPRIATE, ALL PATIENTS PRESENTING FOR TREATMENT WITHOUT REGARD FOR
24 THEIR ABILITY TO PAY IN ACCORDANCE WITH FEDERAL LAW AND RULES. A HOSPI-
25 TAL-SPONSORED OFF CAMPUS EMERGENCY DEPARTMENT SHALL HAVE CAPACITY FOR
26 RECEIVING GROUND AMBULANCE PATIENTS AND SHALL ESTABLISH TRANSFER PROTO-
27 COLS WITH LOCAL EMERGENCY MEDICAL SERVICE PROVIDERS AND GENERAL HOSPI-
28 TAL-BASED EMERGENCY DEPARTMENTS TO ENSURE TIMELY TRANSFER OF PATIENTS
29 REQUIRING A HIGHER LEVEL OF CARE.

30 S 4. This act shall take effect immediately and shall be deemed to
31 have been in full force and effect on and after January 1, 2014.