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I N   A S S E M B L Y

May 31, 2012

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Introduced by COMMITTEE ON RULES -- (at request of M. of A. Gottfried)  
-- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to non-emergent treatment in hospitals of nonadmitted patients

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

- 1     Section 1. The section heading of section 2805-b of the public health  
2     law, as amended by chapter 787 of the laws of 1983, is amended to read  
3     as follows:  
4     Admission of patients, and emergency AND NON-EMERGENT treatment of  
5     nonadmitted patients.  
6     S 2. Section 2805-b of the public health law is amended by adding a  
7     new subdivision 6 to read as follows:  
8     6. IN ANY IMPLEMENTATION OF PROVISIONS FOR AN OBSERVATION LEVEL OF  
9     CARE, THE COMMISSIONER SHALL:  
10    (A) ALLOW FOR THE PROVISION OF OBSERVATION CARE FOR A PERIOD OF UP TO  
11    FORTY-EIGHT HOURS FROM THE TIME THE PHYSICIAN ORDER FOR OBSERVATION  
12    SERVICES IS ISSUED;  
13    (B) ALLOW A GENERAL HOSPITAL TO DETERMINE THE PROPER CLINICAL AREA AND  
14    LOCATION FOR THE CARE OF A SPECIFIC PATIENT REQUIRING OBSERVATION CARE  
15    BASED ON THE NEEDS OF THE PATIENT AND THE AVAILABILITY OF SERVICES TO  
16    MEET THOSE NEEDS;  
17    (C) ALLOW A GENERAL HOSPITAL TO DETERMINE WHETHER IT WILL PROVIDE SUCH  
18    CARE IN A DISTINCT PHYSICAL SPACE; AND  
19    (D) PROVIDE MEDICAL ASSISTANCE COVERAGE FOR OBSERVATION CARE.  
20    S 3. This act shall take effect immediately.

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

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