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

10518

I N A S S E M B L Y

May 31, 2012

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:

Section 1. The section heading of section 2805-b of the public health law, as amended by chapter 787 of the laws of 1983, is amended to read as follows:

Admission of patients, and emergency AND NON-EMERGENT treatment of nonadmitted patients.

S 2. Section 2805-b of the public health law is amended by adding a new subdivision 6 to read as follows:

6. IN ANY IMPLEMENTATION OF PROVISIONS FOR AN OBSERVATION LEVEL OF CARE, THE COMMISSIONER SHALL:

(A) ALLOW FOR THE PROVISION OF OBSERVATION CARE FOR A PERIOD OF UP TO FORTY-EIGHT HOURS FROM THE TIME THE PHYSICIAN ORDER FOR OBSERVATION SERVICES IS ISSUED;

(B) ALLOW A GENERAL HOSPITAL TO DETERMINE THE PROPER CLINICAL AREA AND LOCATION FOR THE CARE OF A SPECIFIC PATIENT REQUIRING OBSERVATION CARE BASED ON THE NEEDS OF THE PATIENT AND THE AVAILABILITY OF SERVICES TO MEET THOSE NEEDS;

(C) ALLOW A GENERAL HOSPITAL TO DETERMINE WHETHER IT WILL PROVIDE SUCH CARE IN A DISTINCT PHYSICAL SPACE; AND

(D) PROVIDE MEDICAL ASSISTANCE COVERAGE FOR OBSERVATION CARE.

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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