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

5150

2013-2014 Regular Sessions

I N A S S E M B L Y

February 20, 2013

Introduced by M. of A. GOTTFRIED, GALEF, GUNTHER, PAULIN, HOOPER, TITONE, LAVINE, MARKEY, SCHIMEL, JAFFEE -- Multi-Sponsored by -- M. of A. BOYLAND, CLARK, COLTON, COOK, DINOWITZ, JACOBS, V. LOPEZ, MAISEL, McDONOUGH, MILLMAN, PEOPLES-STOKES, RIVERA, ROBINSON, SWEENEY, TITUS, WEISENBERG -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to hospital crowding

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

Section 1. Section 2805-b of the public health law is amended by adding a new subdivision 6 to read as follows:

6. (A) A GENERAL HOSPITAL SHALL IDENTIFY AND USE IMMEDIATE MEASURES TO MOVE ANY ADMITTED PATIENT IN THE EMERGENCY DEPARTMENT TO AN ALTERNATE APPROPRIATE LOCATION WITHIN FOUR HOURS OF BEING ADMITTED. IN IDENTIFYING SUCH ALTERNATIVE LOCATIONS THE GENERAL HOSPITAL SHALL CONSIDER THE USE OF BEDS IN SOLARIUMS AND HALLWAYS NEAR NURSING STATIONS AS WELL AS OTHER APPROPRIATE LOCATIONS. ALL STAFFING, SERVICES, PRIVACY, INFECTION CONTROL AND CONFIDENTIALITY PROCEDURES SHALL BE CONSISTENTLY IN PLACE IN ALL GENERAL HOSPITALS REGARDLESS OF BED LOCATION.

(B) EVERY GENERAL HOSPITAL SHALL HAVE IN PLACE EFFECTIVE MONITORING PROTOCOLS TO TRACK AND IDENTIFY LENGTH OF STAY PATTERNS AND DEVIATIONS, BOTH FOR INPATIENTS AND FOR PATIENTS IN THE EMERGENCY DEPARTMENT.

(C) EVERY GENERAL HOSPITAL SHALL DEVELOP APPROPRIATE PLANNING TO PREVENT THE DIVERSION OF PATIENTS TO OTHER GENERAL HOSPITALS AND THE MAINTENANCE OF ADMITTED PATIENTS WITHIN EMERGENCY DEPARTMENTS FOR MORE THAN FOUR HOURS.

(D) THE COMMISSIONER SHALL CONDUCT PERIODIC INSPECTIONS OF GENERAL HOSPITAL EMERGENCY DEPARTMENTS TO:

(I) DETERMINE AND ENSURE COMPLIANCE WITH THE PROVISIONS OF THIS SUBDIVISION; PROVIDED HOWEVER, THAT AT LEAST ONE UNANNOUNCED INSPECTION OF ONE GENERAL HOSPITAL SHALL BE CONDUCTED PER REGION PER YEAR;

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

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(II) INVESTIGATE ANY REPORT MADE PURSUANT TO PARAGRAPH (E) OF THIS SUBDIVISION;

(III) DETERMINE WHETHER VIOLATIONS OR DEFICIENCIES HAVE BEEN CORRECTED; AND

(IV) ACCOMPLISH ANY OTHER PURPOSE DEEMED NECESSARY AND APPROPRIATE BY THE COMMISSIONER.

(E) EVERY HOSPITAL SHALL REPORT TO THE COMMISSIONER MORE THAN SIX DIVERSIONS IN ANY MONTH OR MORE THAN TWENTY-FIVE DIVERSIONS IN ANY YEAR OF PATIENTS FROM SUCH GENERAL HOSPITAL.

S 2. This act shall take effect on the first of January next succeeding the date on which it shall have become a law, provided that any rules and regulations necessary to implement the provisions of this act on its effective date are authorized and directed to be completed on or before such date.