

8724--A

I N   A S S E M B L Y

February 5, 2014

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Introduced by M. of A. SKOUFIS -- read once and referred to the Committee on Health -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 general  
9     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 hospital,  
13    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.

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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.