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

2079

2013-2014 Regular Sessions

I N S E N A T E

January 10, 2013

Introduced by Sen. HANNON -- 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 observation services; and to repeal section 2805-u of the public health law relating thereto

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

Section 1. Section 2805-u of the public health law, as added by chapter 471 of the laws of 2012, is REPEALED.

S 2. The public health law is amended by adding a new section 2805-v to read as follows:

S 2805-V. OBSERVATION SERVICES. 1. IF A GENERAL HOSPITAL PROVIDES OBSERVATION SERVICES, SUCH SERVICES SHALL BE PROVIDED IN ACCORDANCE WITH THIS SECTION, AND REGULATIONS ADOPTED BY THE COUNCIL AND APPROVED BY THE COMMISSIONER.

2. OBSERVATION SERVICES MAY BE PROVIDED FOR SUCH PERIOD OF TIME AS IS PERMITTED BY THE COMMISSIONER BY REGULATION. SUCH REGULATIONS SHALL BE CONSISTENT WITH FEDERAL POLICIES FOR PROVIDING OBSERVATION SERVICES TO BENEFICIARIES, AS SET FORTH IN TITLE XVIII OF THE FEDERAL SOCIAL SECURITY ACT (MEDICARE), EXCEPT WHERE NECESSARY, IN THE DISCRETION OF THE COMMISSIONER, TO PROTECT AND PROMOTE PATIENT CARE AND SAFETY.

3. BASED ON THE CLINICAL NEEDS OF THE PATIENT, WHICH SHALL BE DETERMINED IN PROMPT FASHION BY APPROPRIATE STAFF, AND THE AVAILABILITY OF SERVICES TO MEET THOSE NEEDS AND PATIENT SAFETY, A GENERAL HOSPITAL SHALL DETERMINE (A) THE PROPER CLINICAL LOCATION FOR THE CARE OF A SPECIFIC PATIENT REQUIRING OBSERVATION SERVICES, INCLUDING WHETHER OR NOT TO PROVIDE SUCH SERVICES IN A DISTINCT PHYSICAL SPACE, AND (B) THE APPROPRIATE OVERSIGHT OF OBSERVATION SERVICES.

4. EVERY GENERAL HOSPITAL PROVIDING OBSERVATION SERVICES SHALL DEVELOP AND ADOPT POLICIES AND PROCEDURES FOR OBSERVATION SERVICES, INCLUDING: (A) ASSIGNMENT OF A PROVIDER WHO WILL BE RESPONSIBLE FOR THE CARE OF THE

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

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PATIENT AND TIMELY DISCHARGE FROM OBSERVATION SERVICES; (B) CLINICAL CRITERIA FOR OBSERVATION ASSIGNMENT AND DISCHARGE; AND (C) INTEGRATION WITH QUALITY ASSURANCE ACTIVITIES OF THE HOSPITAL.

5. THE COMMISSIONER SHALL DEVELOP OUTPATIENT RATES FOR OBSERVATION SERVICES PROVIDED IN ACCORDANCE WITH THIS SECTION TO PATIENTS ELIGIBLE FOR PAYMENTS MADE BY STATE GOVERNMENTAL ENTITIES.

S 3. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after October 3, 2012.