

STATE OF NEW YORK

2437--A

Cal. No. 190

2017-2018 Regular Sessions

IN ASSEMBLY

January 20, 2017

Introduced by M. of A. SKOUFIS, JAFFEE, GOTTFRIED, STECK, SEPULVEDA --
Multi-Sponsored by -- M. of A. BRAUNSTEIN -- read once and referred to
the Committee on Health -- ordered to a third reading, amended and
ordered reprinted, retaining its place on the order of third reading

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 Assem-
bly, do enact as follows:

1 Section 1. Subdivision 1 of section 2801 of the public health law, as
2 amended by chapter 397 of the laws of 2016, is amended to read as
3 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, or, in the
7 case of a midwifery birth center, of a midwife, for the prevention,
8 diagnosis or treatment of human disease, pain, injury, deformity or
9 physical condition, including, but not limited to, a general hospital,
10 hospital-sponsored off campus emergency department, public health
11 center, diagnostic center, treatment center, dental clinic, dental
12 dispensary, rehabilitation center other than a facility used solely for
13 vocational rehabilitation, nursing home, tuberculosis hospital, chronic
14 disease hospital, maternity hospital, midwifery birth center, lying-in-
15 asylum, out-patient department, out-patient lodge, dispensary and a
16 laboratory or central service facility serving one or more such insti-
17 tutions, but the term hospital shall not include an institution, sani-
18 tarium or other facility engaged principally in providing services for
19 the prevention, diagnosis or treatment of mental disability and which is
20 subject to the powers of visitation, examination, inspection and inves-
21 tigation of the department of mental hygiene except for those distinct
22 parts of such a facility which provide hospital service. The provisions
23 of this article shall not apply to a facility or institution engaged

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

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1 principally in providing services by or under the supervision of the
2 bona fide members and adherents of a recognized religious organization
3 whose teachings include reliance on spiritual means through prayer alone
4 for healing in the practice of the religion of such organization and
5 where services are provided in accordance with those teachings.

6 § 2. Section 2801 of the public health law is amended by adding a new
7 subdivision 12 to read as follows:

8 12. "Hospital-sponsored off campus emergency department" means an
9 emergency department that is owned by a general hospital and geograph-
10 ically removed from the general hospital's inpatient campus.

11 § 3. The public health law is amended by adding a new section 2802-b
12 to read as follows:

13 § 2802-b. Emergency departments and hospital-sponsored off campus
14 emergency departments. 1. A hospital-sponsored off campus emergency
15 department shall generally operate twenty-four hours per day, seven days
16 per week. However, upon application and approval under subdivision two
17 of section twenty-eight hundred two of this article, including approval
18 by the public health and health planning council, part-time operation at
19 a minimum of twelve hours per day may be allowed for a hospital-spon-
20 sored off campus emergency department. Such approval shall only be made
21 upon a finding that local special circumstances necessitate part-time
22 operation and with consideration for the quality and accessibility of
23 emergency care and the public interest.

24 2. A hospital-sponsored off campus emergency department shall be
25 subject to the same standards and requirements as a general hospital-
26 based emergency department with regard to minimum training of providers,
27 staffing, services and capacity to stabilize, and treat as appropriate,
28 all patients presenting for treatment without regard for their ability
29 to pay in accordance with federal law and rules. A hospital-sponsored
30 off campus emergency department shall have capacity for receiving ground
31 ambulance patients and shall establish transfer protocols with local
32 emergency medical service providers and general hospital-based emergency
33 departments to ensure timely transfer of patients requiring a higher
34 level of care.

35 § 4. This act shall take effect immediately.