

# STATE OF NEW YORK

---

1728

2019-2020 Regular Sessions

## IN SENATE

January 16, 2019

---

Introduced by Sen. SKOUFIS -- 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-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 amended by section 1 of subpart B of part S of chapter 57 of the laws of  
3 2018, is 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, 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  
24 principally in providing services by or under the supervision of the  
25 bona fide members and adherents of a recognized religious organization

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

LBD06643-01-9

1 whose teachings include reliance on spiritual means through prayer alone  
2 for healing in the practice of the religion of such organization and  
3 where services are provided in accordance with those teachings. No  
4 provision of this article or any other provision of law shall be  
5 construed to: (a) limit the volume of mental health or substance use  
6 disorder services that can be provided by a provider of primary care  
7 services licensed under this article and authorized to provide inte-  
8 grated services in accordance with regulations issued by the commission-  
9 er in consultation with the commissioner of the office of mental health  
10 and the commissioner of the office of alcoholism and substance abuse  
11 services, including regulations issued pursuant to subdivision seven of  
12 section three hundred sixty-five-1 of the social services law or part L  
13 of chapter fifty-six of the laws of two thousand twelve; (b) require a  
14 provider licensed pursuant to article thirty-one of the mental hygiene  
15 law or certified pursuant to article thirty-two of the mental hygiene  
16 law to obtain an operating certificate from the department if such  
17 provider has been authorized to provide integrated services in accord-  
18 ance with regulations issued by the commissioner in consultation with  
19 the commissioner of the office of mental health and the commissioner of  
20 the office of alcoholism and substance abuse services, including regu-  
21 lations issued pursuant to subdivision seven of section three hundred  
22 sixty-five-1 of the social services law or part L of chapter fifty-six  
23 of the laws of two thousand twelve.

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

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

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

31 § 2802-b. Emergency departments and hospital-sponsored off campus  
32 emergency departments. 1. A hospital-sponsored off campus emergency  
33 department shall generally operate twenty-four hours per day, seven days  
34 per week. However, upon application and approval under subdivision two  
35 of section twenty-eight hundred two of this article, including approval  
36 by the public health and health planning council, part-time operation at  
37 a minimum of twelve hours per day may be allowed for a hospital-spon-  
38 sored off campus emergency department. Such approval shall only be made  
39 upon a finding that local special circumstances necessitate part-time  
40 operation and with consideration for the quality and accessibility of  
41 emergency care and the public interest.

42 2. A hospital-sponsored off campus emergency department shall be  
43 subject to the same standards and requirements as a general hospital-  
44 based emergency department with regard to minimum training of providers,  
45 staffing, services and capacity to stabilize, and treat as appropriate,  
46 all patients presenting for treatment without regard for their ability  
47 to pay in accordance with federal law and rules. A hospital-sponsored  
48 off campus emergency department shall have capacity for receiving ground  
49 ambulance patients and shall establish transfer protocols with local  
50 emergency medical service providers and general hospital-based emergency  
51 departments to ensure timely transfer of patients requiring a higher  
52 level of care.

53 § 4. This act shall take effect immediately.