STATE OF NEW YORK

1736

2021-2022 Regular Sessions

IN SENATE

January 14, 2021

Introduced by Sens. SKOUFIS, SALAZAR -- 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:

Section 1. Subdivision 1 of section 2801 of the public health law, as amended by section 1 of part Z of chapter 57 of the laws of 2019, is amended to read as follows:

1. "Hospital" means a facility or institution engaged principally in providing services by or under the supervision of a physician or, in the case of a dental clinic or dental dispensary, of a dentist, or, in the case of a midwifery birth center, of a midwife, for the prevention, diagnosis or treatment of human disease, pain, injury, deformity or physical condition, including, but not limited to, a general hospital, **hospital-sponsored off campus emergency department,** public health center, diagnostic center, treatment center, dental clinic, dental dispensary, rehabilitation center other than a facility used solely for vocational rehabilitation, nursing home, tuberculosis hospital, chronic disease hospital, maternity hospital, midwifery birth center, lying-in-asylum, out-patient department, out-patient lodge, dispensary and a laboratory or central service facility serving one or more such institutions, but the term hospital shall not include an institution, sanitarium or other facility engaged principally in providing services for the prevention, diagnosis or treatment of mental disability and which is subject to the powers of visitation, examination, inspection and investigation of the department of mental hygiene except for those distinct parts of such a facility which provide hospital service. The provisions of this article shall not apply to a facility or institution engaged principally in providing services by or under the supervision of the bona fide members and adherents of a recognized religious organization whose teachings include reliance on spiritual means through prayer alone for healing in the practice of the religion of such organization and where services are provided in accordance with those teachings. No

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

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provision of this article or any other provision of law shall be construed to: (a) limit the volume of mental health, substance use disorder services or developmental disability services that can be provided by a provider of primary care services licensed under this article and authorized to provide integrated services in accordance with regulations issued by the commissioner in consultation with the commissioner of the office of mental health, the commissioner of the office of [~~alcoholism and substance abuse services~~] addiction services and supports and the commissioner of the office for people with developmental disabilities, including regulations issued pursuant to subdivision seven of section three hundred sixty-five-l of the social services law or part L of chapter fifty-six of the laws of two thousand twelve; (b) require a provider licensed pursuant to article thirty-one of the mental hygiene law or certified pursuant to article sixteen or article thirty-two of the mental hygiene law to obtain an operating certificate from the department if such provider has been authorized to provide integrated services in accordance with regulations issued by the commissioner in consultation with the commissioner of the office of mental health, the commissioner of the office of [~~alcoholism and substance abuse services~~] addiction services and supports and the commissioner of the office for people with developmental disabilities, including regulations issued pursuant to subdivision seven of section three hundred sixty-five-l of the social services law or part L of chapter fifty-six of the laws of two thousand twelve.

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

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

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

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

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

§ 4. This act shall take effect immediately.