

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 Assem-
bly, do enact as follows:

1 Section 1. Subdivision 1 of section 2801 of the public health law, as
2 amended by section 1 of part Z of chapter 57 of the laws of 2019, 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, 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
26 whose teachings include reliance on spiritual means through prayer alone
27 for healing in the practice of the religion of such organization and
28 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.

LBD00334-01-1

1 provision of this article or any other provision of law shall be
2 construed to: (a) limit the volume of mental health, substance use
3 disorder services or developmental disability services that can be
4 provided by a provider of primary care services licensed under this
5 article and authorized to provide integrated services in accordance with
6 regulations issued by the commissioner in consultation with the commis-
7 sioner of the office of mental health, the commissioner of the office of
8 ~~[alcoholism and substance abuse services]~~ addiction services and
9 supports and the commissioner of the office for people with develop-
10 mental disabilities, including regulations issued pursuant to subdivi-
11 sion seven of section three hundred sixty-five-1 of the social services
12 law or part L of chapter fifty-six of the laws of two thousand twelve;
13 (b) require a provider licensed pursuant to article thirty-one of the
14 mental hygiene law or certified pursuant to article sixteen or article
15 thirty-two of the mental hygiene law to obtain an operating certificate
16 from the department if such provider has been authorized to provide
17 integrated services in accordance with regulations issued by the commis-
18 sioner in consultation with the commissioner of the office of mental
19 health, the commissioner of the office of ~~[alcoholism and substance~~
20 ~~abuse services]~~ addiction services and supports and the commissioner of
21 the office for people with developmental disabilities, including regu-
22 lations issued pursuant to subdivision seven of section three hundred
23 sixty-five-1 of the social services law or part L of chapter fifty-six
24 of the laws of two thousand twelve.

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

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

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

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

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

54 § 4. This act shall take effect immediately.