

STATE OF NEW YORK

1885--A

2023-2024 Regular Sessions

IN SENATE

January 17, 2023

Introduced by Sens. SKOUFIS, SALAZAR -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- recommitted to the Committee on Health in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 2 of part E of chapter 57 of the laws of 2023, 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, a rural emergency hospital
12 under 42 USC 1395x(kkk), or successor provisions, dental clinic, dental
13 dispensary, rehabilitation center other than a facility used solely for
14 vocational rehabilitation, nursing home, tuberculosis hospital, chronic
15 disease hospital, maternity hospital, midwifery birth center, lying-in-
16 asylum, out-patient department, out-patient lodge, dispensary and a
17 laboratory or central service facility serving one or more such insti-
18 tutions, but the term hospital shall not include an institution, sani-
19 tarium or other facility engaged principally in providing services for
20 the prevention, diagnosis or treatment of mental disability and which is
21 subject to the powers of visitation, examination, inspection and inves-
22 tigation of the department of mental hygiene except for those distinct

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

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1 parts of such a facility which provide hospital service. The provisions
2 of this article shall not apply to a facility or institution engaged
3 principally in providing services by or under the supervision of the
4 bona fide members and adherents of a recognized religious organization
5 whose teachings include reliance on spiritual means through prayer alone
6 for healing in the practice of the religion of such organization and
7 where services are provided in accordance with those teachings. No
8 provision of this article or any other provision of law shall be
9 construed to: (a) limit the volume of mental health, substance use
10 disorder services or developmental disability services that can be
11 provided by a provider of primary care services licensed under this
12 article and authorized to provide integrated services in accordance with
13 regulations issued by the commissioner in consultation with the commis-
14 sioner of the office of mental health, the commissioner of the office of
15 ~~[alcoholism and substance abuse services]~~ addiction services and
16 supports and the commissioner of the office for people with develop-
17 mental disabilities, including regulations issued pursuant to subdivi-
18 sion seven of section three hundred sixty-five-1 of the social services
19 law or part L of chapter fifty-six of the laws of two thousand twelve;
20 (b) require a provider licensed pursuant to article thirty-one of the
21 mental hygiene law or certified pursuant to article sixteen or article
22 thirty-two of the mental hygiene law to obtain an operating certificate
23 from the department if such provider has been authorized to provide
24 integrated services in accordance with regulations issued by the commis-
25 sioner in consultation with the commissioner of the office of mental
26 health, the commissioner of the office of ~~[alcoholism and substance~~
27 ~~abuse services]~~ addiction services and supports and the commissioner of
28 the office for people with developmental disabilities, including regu-
29 lations issued pursuant to subdivision seven of section three hundred
30 sixty-five-1 of the social services law or part L of chapter fifty-six
31 of the laws of two thousand twelve.

32 § 2. Section 2801 of the public health law is amended by adding a new
33 subdivision 15 to read as follows:

34 15. "Hospital-sponsored off campus emergency department" means an
35 emergency department that is owned by a general hospital and geograph-
36 ically removed from the general hospital's inpatient campus.

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

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

50 2. A hospital-sponsored off campus emergency department shall be
51 subject to the same standards and requirements as a general hospital-
52 based emergency department with regard to minimum training of providers,
53 staffing, services and capacity to stabilize, and treat as appropriate,
54 all patients presenting for treatment without regard for their ability
55 to pay in accordance with federal law and rules. A hospital-sponsored
56 off campus emergency department shall have capacity for receiving ground

1 ambulance patients and shall establish transfer protocols with local
2 emergency medical service providers and general hospital-based emergency
3 departments to ensure timely transfer of patients requiring a higher
4 level of care.

5 § 4. This act shall take effect immediately.