

SB 5949 - S AMD 252

By Senators Deccio, Winsley, West, Franklin, Hale, Brandland,
Parlette, Keiser, Thibaudeau

ADOPTED 03/19/2003

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 70.41 RCW
4 to read as follows:

5 (1) A hospital shall provide emergency services twenty-four hours
6 per day, seven days per week in a designated area of the hospital. A
7 hospital shall meet all the requirements for emergency facilities that
8 are established by the department and shall provide emergency services
9 in a manner that meets the requirements established by federal law for
10 the medical screening and stabilization of patients, including women in
11 active labor, who present to the hospital for emergency services.

12 (2) A hospital providing emergency services under this section
13 shall have, at a minimum, the following:

14 (a) A physician who is qualified to provide emergency services
15 immediately available in the hospital;

16 (b) A roster of on-call medical staff members; and

17 (c) Procedures to stabilize a patient until the patient is
18 transported or transferred to another hospital if emergency services
19 cannot be provided at the hospital to meet the needs of the patient in
20 an emergency. A specialty hospital providing emergency services under
21 this section shall maintain a transfer agreement with a general
22 hospital that establishes the process for patient transfers in a
23 situation in which the specialty hospital cannot provide continuing
24 care for a patient because of the specialty hospital's scope of
25 services.

26 (3) This section does not apply to:

27 (a) A specialty hospital that provides only psychiatric, pediatric,
28 long-term acute care, or rehabilitative services;

1 (b) A hospital that was licensed under chapter 70.41 RCW prior to
2 January 1, 2003; or

3 (c) A hospital designated as a critical access hospital under the
4 provisions of Part A Title XVIII of the Social Security Act Section
5 1820, 42 U.S.C., 1395i-4.

6 (4) For the purposes of this section:

7 (a) "Emergency services" means health care services medically
8 necessary to evaluate and treat a medical condition that manifests
9 itself by the acute onset of a symptom or symptoms, including severe
10 pain, that would lead a prudent layperson acting reasonably to believe
11 that a health condition exists that requires immediate medical
12 attention, and that the absence of immediate medical attention could
13 reasonably be expected to result in serious impairment to bodily
14 functions or serious dysfunction of a bodily organ or part, or would
15 place the person's health (or in the case of a pregnant woman, the
16 health of the woman or her unborn child) in serious jeopardy;

17 (b) "General hospital" means a hospital that provides general acute
18 care services, including emergency services;

19 (c) "Specialty hospital" means a subclass of hospital that either
20 provides hospital services within a specific branch of medicine or
21 limits admission according to age, sex, type of disease, or medical
22 condition;

23 (d) "Transfer agreement" means a written agreement providing an
24 effective process for the transfer of a patient requiring emergency
25 services to a general hospital providing emergency services and for
26 continuity of care for that patient.

27 (5) This section expires July 1, 2004.

28 NEW SECTION. **Sec. 2.** (1) The department of health, in
29 consultation with affected stakeholders such as hospitals, physicians,
30 and nurses, shall study the establishment of specialty hospitals, the
31 requirements of this act, and the impact that specialty hospitals have
32 on the delivery of health care. At a minimum the study shall include
33 but not be limited to evaluating the following issues as they pertain
34 to specialty hospitals:

35 (a) The availability and delivery of health care services;

36 (b) Patient safety;

37 (c) Continuity of patient care;

1 (d) The provision of emergency services, including the effect of
2 the presence or absence of an emergency department in specialty
3 hospitals;

4 (e) Staffing of any existing hospitals in the community served by
5 a specialty hospital, including the effect of specialty hospitals on
6 health care professional shortages, nursing staffing, and the
7 availability of specialty physicians to provide on-call emergency
8 services; and

9 (f) The provision of charity care, medicare and medicaid services,
10 services for medically indigent patients, uncompensated care, community
11 service, and access to health care services by medically underserved
12 populations.

13 (2) The study also shall include an evaluation of whether
14 requirements for establishing specialty hospitals should be addressed
15 through certificate of need or hospital licensing requirements.

16 (3) For the purposes of the study, "specialty hospitals" does not
17 include specialty hospitals that provide only psychiatric, pediatric,
18 long-term acute care, or rehabilitative services.

19 (4) The department of health shall prepare and present a report to
20 the legislature regarding the study no later than December 1, 2003.
21 The legislature shall reevaluate the requirements of this act based
22 upon the study."

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23 On page 1, line 1 of the title, after "services;" strike the
24 remainder of the title and insert "adding a new section to chapter
25 70.41 RCW; creating a new section; and providing an expiration date."

EFFECT: (1) Until July 1, 2004, require all new hospitals, except
certain specific hospitals recognized by Medicare, to have an emergency

department that meets certain requirements; and (2) require the Department of Health to conduct a study regarding specialty hospitals and report to the legislature by December 1, 2003.

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