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HEALTH AND SAFETY CODE - HSC

DIVISION 2.5. EMERGENCY MEDICAL SERVICES [1797 - 1863] (*Division 2.5 added by Stats. 1980, Ch. 1260.*)

CHAPTER 6. Facilities [1798.100 - 1798.183] (*Chapter 6 added by Stats. 1980, Ch. 1260.*)

ARTICLE 3.5. Use of "Emergency" [1798.175- 1798.175.] (*Article 3.5 added by Stats. 1986, Ch. 1377, Sec. 1.*)

1798.175. (a) No person or public agency shall advertise itself as, or hold itself out as, providing emergency medical services, by using in its name or advertising the word "emergency," or any derivation thereof, or any words which suggest that it is staffed and equipped to provide emergency medical services, unless the person or public agency satisfies one of the following requirements:

- (1) Is a general acute care hospital providing approved standby, basic, or comprehensive emergency medical services regulated by this chapter.
- (2) Meets all of the following minimum standards:
 - (A) Emergency services are available in the facility seven days a week, 24 hours a day.
 - (B) Has equipment, medication, and personnel experienced in the provision of services needed to treat life-, limb-, or function-threatening conditions.
 - (C) Diagnostic radiology and clinical laboratory services are provided by persons on duty or on call and available when needed.
 - (D) At least one physician who is trained and experienced in the provision of emergency medical care who is on duty or on call so as to be immediately available to the facility.
 - (E) Medical records document the name of each patient who seeks care, as well as the disposition of each patient upon discharge.
 - (F) A roster of specialty physicians who are available for referral, consultation, and specialty services is maintained and available.
 - (G) Policies and procedures define the scope and conduct of treatment provided, including procedures for the management of specific types of emergencies.
 - (H) The quality and appropriateness of emergency services are evaluated at least annually as part of a quality assurance program.
 - (I) Provides information to the public that describes the capabilities of the facility, including the scope of services provided, the manner in which the facility complies with the requirements of this section pertaining to the availability and qualifications of personnel or services, and the manner in which the facility cooperates with the patient's primary care physician in followup care.
 - (J) Clearly identifies the responsible professional or professionals and the legal owner or owners of the facility in its promotion, advertising, and solicitations.
 - (K) Transfer agreements are in effect at all times with one or more general acute care hospitals which provide basic or comprehensive emergency medical services wherein patients requiring more definitive care will be expeditiously transferred

and receive prompt hospital care. Reasonable care shall be exercised to determine whether an emergency requiring more definitive care exists and the person seeking emergency care shall be assisted in obtaining these services, including transportation services, in every way reasonable under the circumstances.

(b) Nothing in this article shall be construed to require the licensing or certification of any person or public agency meeting the minimum standards of paragraph (2) of subdivision (a), nor to exempt from licensure those health facilities covered by paragraph (1) of subdivision (a).

(c) Nothing in this article shall be construed to:

(1) Prohibit a physician in private practice, an outpatient department of a general acute care hospital whether located on or off the premises of the hospital, or other entity authorized to offer medical services from advertising itself as, or otherwise holding itself out as, providing urgent, immediate, or prompt medical services, or from using in its name or advertising the words "urgent," "prompt," "immediate," any derivative thereof, or other words which suggest that it is staffed and equipped to provide urgent, prompt, or immediate medical services.

(2) Prohibit prehospital emergency medical care personnel certified pursuant to, or any state or local agencies established pursuant to, this division, or any emergency vehicle operating within the emergency medical services system from using the word "emergency" in the title, classification, or designation of the personnel, agency, or vehicle.

(d) Any person or public agency using the word "emergency" or any derivation thereof in its name or advertising on January 1, 1987, but which would be prohibited from using the word or derivation thereof by this article, shall have until January 1, 1988, to comply with this article.

(Added by Stats. 1986, Ch. 1377, Sec. 1.)