



Home	Bill Information	California Law	Publications	Other Resources	My Subscriptions	My Favorites
------	------------------	----------------	--------------	-----------------	------------------	--------------

SB-156 Health facilities: emergency medical services. (2019-2020)

SHARE THIS:  

Date Published: 10/14/2019 09:00 PM

Senate Bill No. 156

CHAPTER 839

An act to add and repeal Section 1251.6 of the Health and Safety Code, relating to health facilities.

[Approved by Governor October 12, 2019. Filed with Secretary of State October 12, 2019.]

LEGISLATIVE COUNSEL'S DIGEST

SB 156, Nielsen. Health facilities: emergency medical services.

Existing law requires the State Department of Public Health to license and regulate various health facilities, including general acute care hospitals. Existing law requires the department to issue a special permit, in addition to a license, to a health facility to offer one or more special services, such as an emergency center, if specified requirements are met, including that the department finds that the standards of care and services are adequate and appropriate. Existing regulations generally require emergency medical services and care to be provided within a hospital. Existing law provides that a special permit issued under these provisions expires on the expiration date of the license, which occurs 12 months from the date of the issuance of the license.

This bill would make legislative findings relating to the impact of the Camp Fire in 2018 on the County of Butte, including the destruction of Feather River Hospital in that county. Pursuant to those provisions, the bill would require the department to issue a special permit to allow a general acute care hospital to offer emergency stabilization services at a location that is neither inside nor contiguous to the hospital if the hospital provides satisfactory evidence to the department that, among other things, the hospital has a written transfer agreement with the hospital closest to the location where emergency stabilization services will be provided, and satisfactory evidence to the department that this location meets certain requirements, including that the location is in the town of Paradise within the County of Butte and serves the same area previously served by Feather River Hospital.

The bill would require that the special permit application fee be \$15,000. The bill would require this special permit to expire 2 years from the date of its issuance, and would authorize the special permit to be renewed every 2 years, for a combined period not to exceed 6 years from the initial date of issuance. The bill would impose certain requirements on the hospital to renew a special permit under these provisions.

The bill would authorize the department to implement these provisions through an All Facilities Letter or similar instruction, without taking regulatory action.

The bill would repeal its provisions on January 1, 2028.

This bill would make legislative findings and declarations as to the necessity of a special statute for the County of Butte.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 1251.6 is added to the Health and Safety Code, to read:

1251.6. (a) The Legislature finds and declares all of the following:

(1) The Camp Fire in 2018 resulted in the destruction of most of the towns of the eastern part of the County of Butte, including the towns of Paradise, Magalia, and Concow, as well as Feather River Hospital in Paradise operated by Adventist Health.

(2) Feather River Hospital was, by far, the largest employer in Paradise, and was the only acute care hospital service in the northeastern part of the county, including the communities of Paradise, Stirling City, Lovelock, De Sabla, and Magalia.

(3) The community that lived near Feather River Hospital was made up primarily of individuals with coverage under the federal Medicare Program or the Medicaid program, and many had only limited access to transportation. Access to health care and health resources has been greatly exacerbated since the Camp Fire.

(4) As the community begins to rebuild, it will be necessary for some health care services to be available to address potential injuries at worksites and during construction.

(5) Because the destruction of the town of Paradise was so complete, it has created a unique situation in that it is unclear at this time whether and how long it will take for the community to rebuild, which makes it difficult for Adventist Health to determine whether a rebuild of the hospital makes sense at this point.

(6) Therefore, it is the intent of the Legislature in enacting this section to permit Adventist Health to provide emergency stabilization services at the site of the former Feather River Hospital for a limited period of time, to ensure the community of Paradise has access to emergency stabilization services as it begins the rebuilding process. It is further the intent of the Legislature that the community of Paradise have access to the highest quality of emergency stabilization services and, therefore, the Legislature encourages Adventist Health to staff the site with physicians who are board certified in emergency medicine, with the understanding that due to the devastation and relocation of many residents, this may not be possible. It is further the intent of the Legislature that this is a temporary approach, intended to provide a period of time to assess whether and to what extent the town of Paradise will return and make the construction of a new hospital viable.

(7) It is not the intent of the Legislature to establish a model for a freestanding emergency department, which is currently, and remains, prohibited by state law.

(b) The department shall issue a special permit, as defined in Section 1251.5, to allow a general acute care hospital, as defined in subdivision (a) of Section 1250, to offer emergency stabilization services at a location that is neither inside nor contiguous to the applicant hospital, including serving as an emergency medical services receiving site if authorized to do so by the medical director of the local emergency medical services agency pursuant to Section 1798.101, if the hospital provides satisfactory evidence to the department that the hospital has a written transfer agreement with the hospital closest to the location where emergency stabilization services will be provided pursuant to this section, and any other hospital necessary to ensure the safe and effective transfer of patients needing services outside the capacity of the closest hospital, and if the applicant hospital submits and has received approval for an application pursuant to subdivision (c) and meets all of the following requirements:

(1) The location is in the town of Paradise within the County of Butte and serves the same area previously served by Feather River Hospital.

(2) The location meets the regulatory requirements applicable to emergency departments, as described in subdivisions (a), (b), (d), (e), (f), (g), (h), (i), (k), (l), and (n) of, and paragraph (6) of subdivision (m) of, Section 70413 of, subdivision (a) of Section 70415 of, and Sections 70417, 70419, 70651, 70655, 70657, and 70841 of, Title 22 of the California Code of Regulations.

(3) The location meets the nurse-to-patient staffing requirements of a basic emergency department, as specified in the regulations adopted pursuant to Section 1276.4.

(4) The location complies with the hospital's existing collective bargaining agreements.

(5) The location is open 24 hours a day, 7 days a week.

(6) The location provides medical, pharmacy, nursing, clinical laboratory, and radiological services onsite in compliance with Article 3 (commencing with Section 70201) of Chapter 1 of Division 5 of Title 22 of the California Code of Regulations.

(7) The location provides nutritional services to patients. The location may comply with this paragraph by providing those services directly or by contracting with an outside entity.

(8) The location complies with the federal Emergency Medical Treatment and Active Labor Act (Section 1395dd of Title 42 of the United States Code) and with Section 1317 of this code.

(9) The location has informed the local emergency medical services agency about the types of medical conditions and injuries that the facility cannot treat and for which the patient needs to be transported directly to a general acute care hospital emergency department.

(10) Notwithstanding subdivision (i) of Section 70651 of Title 22 of the California Code of Regulations, the wording of exterior signs states "EMERGENCY STABILIZATION SERVICES, PHYSICIAN ON DUTY."

(11) The location stabilizes for transport or release a patient within 24 hours of registration. The location reports to the department any failure to stabilize a patient for transfer or release of the patient within 24 hours.

(12) Upon registration, the location provides a patient with a written notice that the patient should consult with their health care coverage carrier about which services may be covered and for which copayments and charges the patient may be responsible.

(13) The location posts information identifying the three nearest hospitals ranked by estimated driving time from the nearest to the farthest away.

(14) The location posts a sign, at or near any public entrance of the location, stating that patients requiring surgery, trauma care, or an inpatient bed will be transported to the nearest hospital.

(15) The location meets the physical plant requirements and has received clearance from the Office of Statewide Health Planning and Development, as appropriate for the setting and services being provided at the location.

(16) The applicant hospital has submitted and received approval on an application that meets the requirements of subdivision (c).

(c) (1) The application shall be submitted pursuant to Section 1265 and shall include all of the following:

(A) A plan of operation that shall, at a minimum, address the location's plan for patient care, infection control, waste disposal, and linen services.

(B) The policy and procedure that the location will implement for the emergency transportation of patients that cannot be served by the facility. The policy and procedure shall comply with the standards of practice and shall include all of the following:

(i) How the patient will be transported to the nearest general acute care hospital emergency department.

(ii) The timeframe for transfer to the nearest general acute care hospital with an emergency department.

(iii) How the location will ensure patient safety during the transfer.

(C) A written transfer agreement with the nearest hospital with an emergency department.

(D) A community outreach and education plan to ensure the community is informed of the types of services that the facility is capable of providing. The plan shall include instructions identifying the care that the facility is capable of providing and indicating the types of injuries or conditions for which a patient should be transported directly to the nearest general acute care hospital emergency department.

(E) A triage algorithm that the location developed and will implement in collaboration with the local emergency medical services agency to determine appropriate patients for transport to the location.

(2) The special permit application fee shall be fifteen thousand dollars (\$15,000).

(3) Notwithstanding Section 1267, a special permit issued pursuant to this section shall expire two years from the date of its issuance, and may be renewed every two years, for a combined period not to exceed six years from the initial date of issuance.

(4) Prior to a first renewal of the special permit, the hospital that is issued a special permit pursuant to this section shall perform a community needs assessment, which shall be submitted to the department at least 90 calendar days prior to the renewal date. Prior to a second and final renewal of the special permit, the hospital shall have submitted plans for construction of a new hospital for review with the Office of Statewide Health Planning and Development.

(5) The department may deny a request for approval or renewal of a special permit if the location fails to meet the requirements of this chapter pursuant to Section 1269. The department may suspend or revoke a special permit pursuant to Article 5 (commencing with Section 1294).

(d) A hospital issued a special permit pursuant to this section shall report all of the following:

(1) For purposes of the Annual Report of Hospitals required by regulations adopted pursuant to Section 1250.8, report bed and service utilization data separately by each facility issued a single consolidated license pursuant to this section.

(2) Hospital reporting requirements specified in Section 1279.1 regarding adverse events and the reporting requirements specified in Section 70737 of Title 22 of the California Code of Regulations.

(3) By March 1 of each year, a detailed report on the types of services, number of patients served, and any adverse patient outcomes during the prior calendar year.

(e) Notwithstanding any other law, the department may, without taking regulatory action pursuant to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, implement, interpret, or make specific this section by means of an All Facilities Letter or similar instruction.

(f) This section shall remain in effect only until January 1, 2028, and as of that date is repealed.

SEC. 2. The Legislature finds and declares that a special statute is necessary and that a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the unique circumstances in the County of Butte, specifically the area previously served by Feather River Hospital in the town of Paradise, resulting from the severe destruction by the Camp Fire in 2018, which makes it unclear whether and how long it will take for the community to rebuild and which makes it difficult to determine whether a rebuild of the hospital is feasible at this point, while emergency stabilization services are needed in that community.