

ESB 5949 - H COMM AMD
By Committee on Appropriations

ADOPTED 04/17/2003

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;

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

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

4 (4) For the purposes of this section:

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

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

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

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

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

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

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

34 (b) Patient safety;

35 (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.

23 NEW SECTION. **Sec. 3.** The reasonable costs of the study described
24 in section 2 of this act shall be financed by a one-time fee assessment
25 charged to each hospital with one hundred fifty beds or more and
26 licensed under this chapter as of January 1, 2003, in the amount of
27 eight dollars for each bed space within the licensed bed capacity of
28 the hospital as determined in accordance with existing department
29 regulations regarding bed spaces for the purposes of hospital license
30 fees. The fee assessment shall be paid between October 1, 2003, and
31 December 1, 2003."

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1 On page 1, line 1 of the title, after "services;" strike the
2 remainder of the title and insert "adding a new section to chapter
3 70.41 RCW; creating new sections; and providing an expiration date."

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