
ENGROSSED SENATE BILL 5949

State of Washington

58th Legislature

2003 Regular Session

By Senators Deccio and Thibaudeau

Read first time 02/24/2003. Referred to Committee on Health & Long-Term Care.

1 AN ACT Relating to hospital emergency services; adding a new
2 section to chapter 70.41 RCW; creating a new section; and providing an
3 expiration date.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 70.41 RCW
6 to read as follows:

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

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

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

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

1 (c) Procedures to stabilize a patient until the patient is
2 transported or transferred to another hospital if emergency services
3 cannot be provided at the hospital to meet the needs of the patient in
4 an emergency. A specialty hospital providing emergency services under
5 this section shall maintain a transfer agreement with a general
6 hospital that establishes the process for patient transfers in a
7 situation in which the specialty hospital cannot provide continuing
8 care for a patient because of the specialty hospital's scope of
9 services.

10 (3) This section does not apply to:

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

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

15 (c) A hospital designated as a critical access hospital under the
16 provisions of Part A Title XVIII of the Social Security Act Section
17 1820, 42 U.S.C., 1395i-4.

18 (4) For the purposes of this section:

19 (a) "Emergency services" means health care services medically
20 necessary to evaluate and treat a medical condition that manifests
21 itself by the acute onset of a symptom or symptoms, including severe
22 pain, that would lead a prudent layperson acting reasonably to believe
23 that a health condition exists that requires immediate medical
24 attention, and that the absence of immediate medical attention could
25 reasonably be expected to result in serious impairment to bodily
26 functions or serious dysfunction of a bodily organ or part, or would
27 place the person's health (or in the case of a pregnant woman, the
28 health of the woman or her unborn child) in serious jeopardy;

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

31 (c) "Specialty hospital" means a subclass of hospital that either
32 provides hospital services within a specific branch of medicine or
33 limits admission according to age, sex, type of disease, or medical
34 condition;

35 (d) "Transfer agreement" means a written agreement providing an
36 effective process for the transfer of a patient requiring emergency
37 services to a general hospital providing emergency services and for
38 continuity of care for that patient.

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

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

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

10 (b) Patient safety;

11 (c) Continuity of patient care;

12 (d) The provision of emergency services, including the effect of
13 the presence or absence of an emergency department in specialty
14 hospitals;

15 (e) Staffing of any existing hospitals in the community served by
16 a specialty hospital, including the effect of specialty hospitals on
17 health care professional shortages, nursing staffing, and the
18 availability of specialty physicians to provide on-call emergency
19 services; and

20 (f) The provision of charity care, medicare and medicaid services,
21 services for medically indigent patients, uncompensated care, community
22 service, and access to health care services by medically underserved
23 populations.

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

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

30 (4) The department of health shall prepare and present a report to
31 the legislature regarding the study no later than December 1, 2003.
32 The legislature shall reevaluate the requirements of this act based
33 upon the study.

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