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**SUBSTITUTE SENATE BILL 5515**

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**State of Washington**

**62nd Legislature**

**2011 Regular Session**

**By** Senate Health & Long-Term Care (originally sponsored by Senators Pflug, Keiser, Becker, Kastama, Parlette, and Shin)

READ FIRST TIME 02/21/11.

1       AN ACT Relating to freestanding emergency rooms; amending RCW  
2 70.41.020 and 43.70.052; adding new sections to chapter 70.41 RCW;  
3 creating a new section; providing an expiration date; and declaring an  
4 emergency.

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

6       NEW SECTION.   **Sec. 1.**   (1) The legislature finds that there is a  
7 clear public interest in studying and evaluating the impact of  
8 freestanding emergency rooms so as to make informed decisions about  
9 whether they should be subject to certificate of need or other  
10 regulation and, if so, the appropriate scope of that regulation.

11       (2) The legislature further finds that certain measures should be  
12 implemented at existing freestanding emergency rooms to ensure patient  
13 safety and public accountability.

14       **Sec. 2.**   RCW 70.41.020 and 2010 c 94 s 17 are each amended to read  
15 as follows:

16       Unless the context clearly indicates otherwise, the following  
17 terms, whenever used in this chapter, shall be deemed to have the  
18 following meanings:

1 (1) "Department" means the Washington state department of health.

2 (2) "Emergency care to victims of sexual assault" means medical  
3 examinations, procedures, and services provided by a hospital emergency  
4 room to a victim of sexual assault following an alleged sexual assault.

5 (3) "Emergency contraception" means any health care treatment  
6 approved by the food and drug administration that prevents pregnancy,  
7 including but not limited to administering two increased doses of  
8 certain oral contraceptive pills within seventy-two hours of sexual  
9 contact.

10 (4) "Freestanding emergency room" means a facility that is an  
11 extension of an existing hospital emergency department that is  
12 physically separate from, and not located on the same campus as, the  
13 main hospital emergency department and that is intended to provide  
14 comprehensive emergency service.

15 (5) "Hospital" means any institution, place, building, or agency  
16 which provides accommodations, facilities and services over a  
17 continuous period of twenty-four hours or more, for observation,  
18 diagnosis, or care, of two or more individuals not related to the  
19 operator who are suffering from illness, injury, deformity, or  
20 abnormality, or from any other condition for which obstetrical,  
21 medical, or surgical services would be appropriate for care or  
22 diagnosis. "Hospital" as used in this chapter does not include hotels,  
23 or similar places furnishing only food and lodging, or simply  
24 domiciliary care; nor does it include clinics, or physician's offices  
25 where patients are not regularly kept as bed patients for twenty-four  
26 hours or more; nor does it include nursing homes, as defined and which  
27 come within the scope of chapter 18.51 RCW; nor does it include  
28 birthing centers, which come within the scope of chapter 18.46 RCW; nor  
29 does it include psychiatric hospitals, which come within the scope of  
30 chapter 71.12 RCW; nor any other hospital, or institution specifically  
31 intended for use in the diagnosis and care of those suffering from  
32 mental illness, intellectual disability, convulsive disorders, or other  
33 abnormal mental condition. Furthermore, nothing in this chapter or the  
34 rules adopted pursuant thereto shall be construed as authorizing the  
35 supervision, regulation, or control of the remedial care or treatment  
36 of residents or patients in any hospital conducted for those who rely  
37 primarily upon treatment by prayer or spiritual means in accordance

1 with the creed or tenets of any well recognized church or religious  
2 denominations.

3 ((+5+)) (6) "Person" means any individual, firm, partnership,  
4 corporation, company, association, or joint stock association, and the  
5 legal successor thereof.

6 ((+6+)) (7) "Secretary" means the secretary of health.

7 ((+7+)) (8) "Sexual assault" has the same meaning as in RCW  
8 70.125.030.

9 ((+8+)) (9) "Victim of sexual assault" means a person who alleges  
10 or is alleged to have been sexually assaulted and who presents as a  
11 patient.

12 NEW SECTION. **Sec. 3.** A new section is added to chapter 70.41 RCW  
13 to read as follows:

14 (1) The legislature declares a moratorium on the construction of  
15 freestanding emergency rooms if a construction review has not been  
16 completed and construction documents have not been approved by the  
17 department before January 1, 2011, to allow for a study and evaluation  
18 of the impact of freestanding emergency rooms to take place.

19 (2) This section expires July 1, 2013.

20 NEW SECTION. **Sec. 4.** A new section is added to chapter 70.41 RCW  
21 to read as follows:

22 Any hospital that operates a freestanding emergency room as defined  
23 in RCW 70.41.020 must conform to the following requirements to ensure  
24 patient safety and public accountability:

25 (1) After services are rendered:

26 (a) The freestanding emergency room must notify the patient's  
27 primary care provider within eight hours of services having been  
28 rendered that such care was provided and the status of the patient; and

29 (b) To the extent a patient needs hospital inpatient services, the  
30 freestanding emergency room must arrange and incur the full cost to  
31 transport the patient to the patient's choice of licensed hospitals  
32 capable of delivering the level of care required by the patient at  
33 either:

34 (i) The nearest available hospital in road miles traveled; or

35 (ii) The nearest hospital that participates in the patient's health  
36 plan provider network; and

1 (2) In meeting the requirements of RCW 43.70.052, a hospital shall  
2 separately report financial information for any freestanding emergency  
3 room that it operates.

4 **Sec. 5.** RCW 43.70.052 and 1995 c 267 s 1 are each amended to read  
5 as follows:

6 (1) To promote the public interest consistent with the purposes of  
7 chapter 492, Laws of 1993 as amended by chapter 267, Laws of 1995, the  
8 department shall continue to require hospitals to submit hospital  
9 financial and patient discharge information, which shall be collected,  
10 maintained, analyzed, and disseminated by the department. The  
11 department shall, if deemed cost-effective and efficient, contract with  
12 a private entity for any or all parts of data collection. Data  
13 elements shall be reported in conformance with a uniform reporting  
14 system established by the department. This includes data elements  
15 identifying each hospital's revenues, expenses, contractual allowances,  
16 charity care, bad debt, other income, total units of inpatient and  
17 outpatient services, and other financial information reasonably  
18 necessary to fulfill the purposes of this section. Data elements  
19 relating to use of hospital services by patients shall be the same as  
20 those currently compiled by hospitals through inpatient discharge  
21 abstracts and shall also include patient discharge abstracts for all  
22 visits to a freestanding emergency room, as defined in RCW 70.41.020.

23 The department shall encourage and permit reporting by electronic  
24 transmission or hard copy as is practical and economical to reporters.

25 (2) In identifying financial reporting requirements, the department  
26 may require both annual reports and condensed quarterly reports from  
27 hospitals, so as to achieve both accuracy and timeliness in reporting,  
28 but shall craft such requirements with due regard of the data reporting  
29 burdens of hospitals.

30 (3) The health care data collected, maintained, and studied by the  
31 department shall only be available for retrieval in original or  
32 processed form to public and private requestors and shall be available  
33 within a reasonable period of time after the date of request. The cost  
34 of retrieving data for state officials and agencies shall be funded  
35 through the state general appropriation. The cost of retrieving data  
36 for individuals and organizations engaged in research or private use of

1 data or studies shall be funded by a fee schedule developed by the  
2 department that reflects the direct cost of retrieving the data or  
3 study in the requested form.

4 (4) The department shall, in consultation and collaboration with  
5 the federally recognized tribes, urban or other Indian health service  
6 organizations, and the federal area Indian health service, design,  
7 develop, and maintain an American Indian-specific health data,  
8 statistics information system. The department rules regarding  
9 confidentiality shall apply to safeguard the information from  
10 inappropriate use or release.

11 (5) All persons subject to the data collection requirements of this  
12 section shall comply with departmental requirements established by rule  
13 in the acquisition of data.

14 NEW SECTION. **Sec. 6.** This act is necessary for the immediate  
15 preservation of the public peace, health, or safety, or support of the  
16 state government and its existing public institutions, and takes effect  
17 immediately.

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