
SENATE BILL 5515

State of Washington 62nd Legislature 2011 Regular Session

By Senators Pflug, Keiser, Becker, Kastama, Murray, Parlette, and Shin

Read first time 01/28/11. Referred to Committee on Health & Long-Term Care.

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
11 advertised or presented to the public as an emergency department, but
12 is not physically connected or adjacent to a hospital licensed under
13 chapter 70.41 RCW.

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

1 (~~(+5)~~) (6) "Person" means any individual, firm, partnership,
2 corporation, company, association, or joint stock association, and the
3 legal successor thereof.

4 (~~(+6)~~) (7) "Secretary" means the secretary of health.

5 (~~(+7)~~) (8) "Sexual assault" has the same meaning as in RCW
6 70.125.030.

7 (~~(+8)~~) (9) "Victim of sexual assault" means a person who alleges
8 or is alleged to have been sexually assaulted and who presents as a
9 patient.

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

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

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

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

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

23 (1) After emergency services are rendered and to the extent a
24 patient needs transport to an inpatient facility, the freestanding
25 emergency room must arrange to have the patient delivered to the
26 nearest available hospital in road miles traveled that is capable of
27 delivering the level of care required by the patient;

28 (2) All transportation from a freestanding emergency room to an
29 inpatient setting must be paid for by the sponsoring hospital, with no
30 requirement on the insurer or patient to share in the costs; and

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

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

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

20 (2) In identifying financial reporting requirements, the department
21 may require both annual reports and condensed quarterly reports from
22 hospitals, so as to achieve both accuracy and timeliness in reporting,
23 but shall craft such requirements with due regard of the data reporting
24 burdens of hospitals.

25 (3) The health care data collected, maintained, and studied by the
26 department shall only be available for retrieval in original or
27 processed form to public and private requestors and shall be available
28 within a reasonable period of time after the date of request. The cost
29 of retrieving data for state officials and agencies shall be funded
30 through the state general appropriation. The cost of retrieving data
31 for individuals and organizations engaged in research or private use of
32 data or studies shall be funded by a fee schedule developed by the
33 department that reflects the direct cost of retrieving the data or
34 study in the requested form.

35 (4) The department shall, in consultation and collaboration with
36 the federally recognized tribes, urban or other Indian health service
37 organizations, and the federal area Indian health service, design,
38 develop, and maintain an American Indian-specific health data,

1 statistics information system. The department rules regarding
2 confidentiality shall apply to safeguard the information from
3 inappropriate use or release.

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

7 NEW SECTION. **Sec. 6.** This act is necessary for the immediate
8 preservation of the public peace, health, or safety, or support of the
9 state government and its existing public institutions, and takes effect
10 immediately.

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