

AMENDED IN ASSEMBLY APRIL 3, 2008

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2207**

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**Introduced by Assembly Member Lieu**

February 20, 2008

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~~An act relating to hospitals.~~ *An act to add Section 1257.10 to the Health and Safety Code, relating to health facilities.*

LEGISLATIVE COUNSEL'S DIGEST

AB 2207, as amended, Lieu. Emergency rooms: overcrowding.

Existing law provides for the licensure and regulation of health facilities, including hospitals, by the State Department of Public Health. *Existing law makes the violation of these provisions a misdemeanor.* Under existing law, hospitals may provide emergency medical services, ~~under services, under~~ specified circumstances.

~~This bill would declare legislative intent to enact legislation that would alleviate emergency room overcrowding.~~

*This bill would require every licensed general acute care hospital to assess the condition of its emergency department every 3 hours and calculate and record a NEDOCS score, as defined. It would require, by January 1, 2010, every licensed general acute care hospital to develop and implement a full capacity protocol, as specified, for each of the categories of the overcrowding scale, as defined. It would also require every licensed general acute care hospital to file its full capacity protocols with the Office of Statewide Health Planning and Development, as well as annual reports with the office and the Joint Commission on Health Care Organizations. By creating a new crime, this bill would impose a state-mandated local program.*

*The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that no reimbursement is required by this act for a specified reason.*

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.  
State-mandated local program: ~~no~~-yes.

*The people of the State of California do enact as follows:*

1     SECTION 1. *The Legislature hereby finds and declares all of*  
2 *the following:*

3     (a) *California is last in the nation in the number of emergency*  
4 *departments available to its residents with 6.16 emergency*  
5 *departments per 1,000,000 people. Since 1990, this ratio has*  
6 *steadily declined leading to severe emergency department*  
7 *overcrowding.*

8     (b) *Studies show that the most significant cause of emergency*  
9 *department overcrowding is the boarding of admitted patients in*  
10 *the emergency department, not the care of nonurgent patients in*  
11 *the emergency department.*

12     (c) *Boarding is the practice of keeping patients who require*  
13 *hospitalization in the emergency department until a hospital bed*  
14 *becomes available.*

15     (d) *As the emergency department becomes saturated with*  
16 *patients who no longer require emergency care, the emergency*  
17 *department’s ability to care for all patients, especially those*  
18 *waiting for evaluation and treatment, is seriously impacted.*

19     (e) *Studies show that the overall length of hospitalization and*  
20 *cost of hospitalization are increased for patients who were boarded*  
21 *in the emergency department.*

22     (f) *Studies show that critically ill emergency department patients*  
23 *boarded in the emergency department for more than six hours*  
24 *before transfer to an intensive care unit had increased hospital*  
25 *length of stay and higher morbidity and mortality.*

26     (g) *Overcrowded emergency departments have a much reduced*  
27 *capacity to manage a mass casualty incident or disaster.*

28     SEC. 2. *Section 1257.10 is added to the Health and Safety*  
29 *Code, to read:*

1 1257.10. (a) For purposes of this section, a “NEDOCS Score”  
2 means the national emergency department overcrowding scale  
3 score, which is calculated with the following equation:  $85.8$  (total  
4 number of patients within the emergency department/total number  
5 of beds in the emergency department) +  $600$  (total number of  
6 admissions to the emergency department/total number of beds in  
7 the general acute care hospital) +  $13.4$  (total number of respirators  
8 in the emergency department) +  $.93$  (the number of hours of the  
9 longest admit time) +  $5.64$  (the number of hours of the wait time  
10 for the last patient called from triage) -  $20$ .

11 (b) For purposes of this section “overcrowding scale” means  
12 the range of NEDOCS scores that are divided into the following  
13 five categories:

14 (1) Not busy, which includes NEDOCS scores of 0 to 50,  
15 inclusive.

16 (2) Busy, which includes NEDOCS scores of 51 to 100, inclusive.

17 (3) Overcrowded, which includes NEDOCS scores of 101 to  
18 140, inclusive.

19 (4) Severely overcrowded, which includes NEDOCS scores of  
20 141 to 180, inclusive.

21 (5) Dangerously overcrowded, which includes NEDOCS scores  
22 of at least 181.

23 (c) Every licensed general acute care hospital shall assess the  
24 condition of its emergency department every three hours and  
25 calculate and record a NEDOCS score.

26 (d) Notwithstanding any other provision of law, a licensed  
27 general acute care hospital may use its hallways and conference  
28 and waiting rooms as temporary patient care areas pursuant to  
29 the hospital’s full capacity protocol whenever the hospital’s  
30 NEDOCS score is within the severely overcrowded or dangerously  
31 overcrowded categories.

32 (e) Every licensed general acute care hospital shall, by January  
33 1, 2010, develop and implement, in consultation with its emergency  
34 department staff, a full capacity protocol for each of the categories  
35 of the overcrowding scale that addresses, for each category on  
36 the overcrowding scale, all of the following:

37 (1) Notification of hospital administrators, nursing staff, medical  
38 staff, and ancillary services of category changes on the  
39 overcrowding scale.

40 (2) Bed utilization.

1 (3) *Diversion.*

2 (4) *Elective admissions.*

3 (5) *Transfers.*

4 (6) *Triage.*

5 (7) *Responsibilities of inpatient medical staff and specialty*  
6 *service operations for rounds, discharges, coordination with the*  
7 *emergency department, and emergency consults for emergency*  
8 *department patients.*

9 (8) *Hospital unit operations.*

10 (9) *Nursing services.*

11 (10) *Supplies.*

12 (11) *Calling in additional medical staff.*

13 (12) *Space utilization, including alternate care sites.*

14 (f) *Every licensed general acute care hospital shall file its full*  
15 *capacity protocols with the Office of Statewide Health Planning*  
16 *and Development.*

17 (g) *Every licensed general acute care hospital shall annually*  
18 *report all of the following to the office and to the Joint Commission*  
19 *on Health Care Organizations:*

20 (1) *Revisions to full capacity protocols.*

21 (2) *The total number of times that the hospital's overcrowding*  
22 *scale reached severely overcrowded or dangerously overcrowded.*

23 (3) *The total number of admissions from the emergency*  
24 *department that occurred within 120 minutes of reaching severely*  
25 *overcrowded or dangerously overcrowded.*

26 (4) *The total number of times hallways or other hospital areas*  
27 *outside of the emergency department were used to alleviate*  
28 *crowding within the emergency department.*

29 (5) *The total number of hours when ambulances were diverted*  
30 *from the emergency department on a daily basis.*

31 *SEC. 3. No reimbursement is required by this act pursuant to*  
32 *Section 6 of Article XIII B of the California Constitution because*  
33 *the only costs that may be incurred by a local agency or school*  
34 *district will be incurred because this act creates a new crime or*  
35 *infraction, eliminates a crime or infraction, or changes the penalty*  
36 *for a crime or infraction, within the meaning of Section 17556 of*  
37 *the Government Code, or changes the definition of a crime within*  
38 *the meaning of Section 6 of Article XIII B of the California*  
39 *Constitution.*

1     ~~SECTION 1.—It is the intent of the Legislature to enact~~  
2     ~~legislation that would alleviate emergency room overcrowding.~~

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