

AMENDED IN SENATE MARCH 21, 2011

SENATE BILL

No. 336

Introduced by ~~Senator De León~~ Senators Lieu and De León

February 15, 2011

An act to add and repeal Section 1257.10 of the Health and Safety Code, relating to health facilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 336, as amended, ~~De León~~ *Lieu*. Emergency room crowding.

Existing law establishes various programs for the prevention of disease and the promotion of health to be administered by the State Department of Public Health, including, but not limited to, the licensure and regulation of health facilities, including general acute care hospitals. Violation of these provisions is a crime.

This bill would require every licensed general acute care hospital with an emergency department to determine the range of crowding scores, as defined, that constitute each category of the crowding scale, as provided, for its emergency department. The bill would require every licensed general acute care hospital with an emergency department to calculate and record a crowding score every 4 hours, except as specified, to assess the crowding condition of its emergency department. The bill would require, by January 1, 2013, every licensed general acute care hospital with an emergency department to develop and implement a full-capacity protocol for each of the categories of the crowding scale.

This bill would require every licensed general acute care hospital with an emergency department to file its full-capacity protocol with the Office of Statewide Health Planning and Development, and to annually report revisions to its protocol. The bill would repeal its provisions on

January 1, 2016. By changing the definition of an existing 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: yes.
State-mandated local program: yes.

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

1 SECTION 1. Section 1257.10 is added to the Health and Safety
2 Code, to read:

3 1257.10. (a) For purposes of this section, “crowding score”
4 means the score calculated using the equation as follows: 85.8
5 $(\text{total number of patients within the emergency department} / \text{total}$
6 $\text{number of staffed beds in the emergency department, not to exceed}$
7 $\text{the number of licensed beds}) + 600 (\text{total number of admissions}$
8 $\text{waiting in the emergency department, including patients awaiting}$
9 $\text{transfer} / \text{total number of acute inpatient hospital beds routinely in}$
10 $\text{use by the hospital, excluding beds in the newborn nursery,}$
11 $\text{neonatal intensive care unit, and obstetrics}) + 13.4 (\text{total number}$
12 $\text{of patients in the emergency department admitted to the intensive}$
13 $\text{care-critical care unit, with a maximum of four}) + 0.93 (\text{the longest}$
14 $\text{admit time, in hours, including transfers}) + 5.64 (\text{the wait time for}$
15 $\text{the last patient waiting the longest in the waiting room, in hours})$
16 $- 20$.

17 (b) For purposes of this section, “crowding scale” means a range
18 of crowding scores that are divided into six categories of which
19 level one is the lowest level of crowding and level six is the highest.

20 (c) Every licensed general acute care hospital, as defined in
21 subdivision (a) of Section 1250, with an emergency department
22 shall determine the range of crowding scores that constitute each
23 category of the crowding scale for its emergency department.

24 (d) (1) Except as otherwise provided in this subdivision, every
25 licensed general acute care hospital with an emergency department
26 shall calculate and record a crowding score a minimum of every
27 four hours to assess the crowding condition of its emergency
28 department.

1 (2) If, after calculating and recording a crowding score as set
2 forth in paragraph (1), a licensed general acute care hospital does
3 not have a crowding score in level four or higher for the previous
4 30 days, it shall, notwithstanding paragraph (1), thereafter calculate
5 and record a crowding score every eight hours rather than every
6 four hours.

7 (3) If the licensed general acute care hospital that is calculating
8 and recording a crowding score every eight hours pursuant to
9 paragraph (2) records a score in level four or higher, it shall
10 immediately resume calculating and recording a crowding score
11 at least once every four hours as set forth in paragraph (1).

12 (4) Notwithstanding paragraphs (1) and (2), a licensed general
13 acute care hospital that has an emergency department census of
14 less than 14,000 visits annually shall calculate and record the
15 crowding score once daily between 4 p.m. and 8 p.m.

16 (e) Every licensed general acute care hospital with an emergency
17 department shall, by January 1, 2013, develop and implement, in
18 consultation with its emergency department staff, a full-capacity
19 protocol for each of the categories of the crowding scale that
20 addresses all of the following factors, as applicable:

21 (1) Notification of hospital administrators, nursing staff, medical
22 staff, and ancillary services of category changes on the crowding
23 scale.

24 (2) Hospital operations, including bed utilization, transfers,
25 elective admissions, discharges, supplies, and additional staffing.

26 (3) Emergency department operations, including diversion,
27 triage, and alternative care sites.

28 (4) The planned response of the organized medical staff for
29 rounds, discharges, coordination with the emergency department,
30 and emergency consults for emergency department patients.

31 (f) Every licensed general acute care hospital with an emergency
32 department shall file its full-capacity protocol with the Office of
33 Statewide Health Planning and Development and shall annually
34 report *to the office* any revisions to its protocol.

35 (g) This section shall remain in effect only until January 1, 2016,
36 and as of that date is repealed, unless a later enacted statute, that
37 is enacted before January 1, 2016, deletes or extends that date.

38 SEC. 2. No reimbursement is required by this act pursuant to
39 Section 6 of Article XIII B of the California Constitution because
40 the only costs that may be incurred by a local agency or school

1 district will be incurred because this act creates a new crime or
2 infraction, eliminates a crime or infraction, or changes the penalty
3 for a crime or infraction, within the meaning of Section 17556 of
4 the Government Code, or changes the definition of a crime within
5 the meaning of Section 6 of Article XIII B of the California
6 Constitution.

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