

ASSEMBLY BILL

No. 1357

Introduced by Assembly Member Roger Hernández

February 22, 2013

An act to amend Section 1317 of the Health and Safety Code, relating to health facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 1357, as introduced, Roger Hernández. Emergency departments: diversion of patients.

Existing law establishes the State Department of Public Health and sets forth its powers and duties, including, but not limited to, the licensing and regulations of health facilities, including, but not limited to, health facilities operating emergency departments.

Existing law requires a health facility maintaining or operating an emergency department to provide emergency services and care to any person requesting those services and care for any condition in which the person is in danger of loss of life, or serious injury or illness. Violation of these provisions is a crime.

This bill would require emergency room funds in the County of Los Angeles that were approved by voter initiative, which are collected from properties within the San Gabriel Valley, to remain in that geographic region of the county.

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

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

1 SECTION 1. Section 1317 of the Health and Safety Code is
2 amended to read:

3 1317. (a) Emergency services and care shall be provided to
4 any person requesting the services or care, or for whom services
5 or care is requested, for any condition in which the person is in
6 danger of loss of life, or serious injury or illness, at any health
7 facility licensed under this chapter that maintains and operates an
8 emergency department to provide emergency services to the public
9 when the health facility has appropriate facilities and qualified
10 personnel available to provide the services or care.

11 (b) In no event shall the provision of emergency services and
12 care be based upon, or affected by, the person’s ethnicity,
13 citizenship, age, preexisting medical condition, insurance status,
14 economic status, ability to pay for medical services, or any other
15 characteristic listed or defined in subdivision (b) or (e) of Section
16 51 of the Civil Code, except to the extent that a circumstance such
17 as age, sex, preexisting medical condition, or physical or mental
18 disability is medically significant to the provision of appropriate
19 medical care to the patient.

20 (c) Neither the health facility, its employees, nor any physician
21 and surgeon, dentist, clinical psychologist, or podiatrist shall be
22 liable in any action arising out of a refusal to render emergency
23 services or care if the refusal is based on the determination,
24 exercising reasonable care, that the person is not suffering from
25 an emergency medical condition, or that the health facility does
26 not have the appropriate facilities or qualified personnel available
27 to render those services.

28 (d) Emergency services and care shall be rendered without first
29 questioning the patient or any other person as to his or her ability
30 to pay therefor. However, the patient or his or her legally
31 responsible relative or guardian shall execute an agreement to pay
32 therefor or otherwise supply insurance or credit information
33 promptly after the services are rendered.

34 (e) If a health facility subject to this chapter does not maintain
35 an emergency department, its employees shall nevertheless exercise
36 reasonable care to determine whether an emergency exists and
37 shall direct the persons seeking emergency care to a nearby facility
38 that can render the needed services, and shall assist the persons

1 seeking emergency care in obtaining the services, including
2 transportation services, in every way reasonable under the
3 circumstances.

4 (f) No act or omission of any rescue team established by any
5 health facility licensed under this chapter, or operated by the federal
6 or state government, a county, or by the Regents of the University
7 of California, done or omitted while attempting to resuscitate any
8 person who is in immediate danger of loss of life shall impose any
9 liability upon the health facility, the officers, members of the staff,
10 nurses, or employees of the health facility, including, but not
11 limited to, the members of the rescue team, or upon the federal or
12 state government or a county, if good faith is exercised.

13 (g) “Rescue team,” as used in this section, means a special group
14 of physicians and surgeons, nurses, and employees of a health
15 facility who have been trained in cardiopulmonary resuscitation
16 and have been designated by the health facility to attempt, in cases
17 of emergency, to resuscitate persons who are in immediate danger
18 of loss of life.

19 (h) (1) *This subdivision facilitates the continuation and*
20 *expansion of emergency medical services and trauma services in*
21 *the San Gabriel Valley.*

22 (2) *For the purpose of emergency room funds in the County of*
23 *Los Angeles that were approved by voter initiative in that county,*
24 *funds collected from properties within the San Gabriel Valley shall*
25 *remain in that geographic region of the county.*

26 (3) *Funds allocated pursuant to subdivision (b) shall be used*
27 *for the purposes intended by the voter initiative, within that*
28 *geographic area, to reduce ambulance diversion.*

29 (~~h~~)

30 (i) This section shall not relieve a health facility of any duty
31 otherwise imposed by law upon the health facility for the
32 designation and training of members of a rescue team or for the
33 provision or maintenance of equipment to be used by a rescue
34 team.