

AMENDED IN ASSEMBLY APRIL 8, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

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 amended, 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.

This bill would establish a task force to study and audit the funds collected from properties in the San Gabriel Valley since the passage of the local voter initiative, and to report its findings to the Legislature by January 1, 2015.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
 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

1 reasonable care to determine whether an emergency exists and
2 shall direct the persons seeking emergency care to a nearby facility
3 that can render the needed services, and shall assist the persons
4 seeking emergency care in obtaining the services, including
5 transportation services, in every way reasonable under the
6 circumstances.

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

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

22 (h) (1) This subdivision facilitates the continuation and
23 expansion of emergency medical services and trauma services in
24 the San Gabriel Valley.

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

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

32 (4) *A task force is hereby established consisting of the Director*
33 *of the Emergency Medical Services Authority, the Director of the*
34 *State Department of Public Health, the California State Auditor,*
35 *and a representative of a local hospital task force to be selected*
36 *by the other members. The task force shall study and audit the*
37 *funds collected from properties in the San Gabriel Valley since*
38 *the passage of the local voter initiative to gain an understanding*
39 *as to how the moneys have been allocated and to gage what*

1 *improvements, if any, have been made. The task force shall report*
2 *its findings to the Legislature by January 1, 2015.*

3 (i) This section shall not relieve a health facility of any duty
4 otherwise imposed by law upon the health facility for the
5 designation and training of members of a rescue team or for the
6 provision or maintenance of equipment to be used by a rescue
7 team.

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