

ASSEMBLY BILL

No. 1975

Introduced by Assembly Member Roger Hernández

February 19, 2014

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

LEGISLATIVE COUNSEL'S DIGEST

AB 1975, as introduced, Roger Hernández. Emergency departments.

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 make technical, nonsubstantive changes to those provisions.

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

1 or care is requested, for any condition in which the person is in
2 danger of loss of life, or serious injury or illness, at any health
3 facility licensed under this chapter that maintains and operates an
4 emergency department to provide emergency services to the public
5 when the health facility has appropriate facilities and qualified
6 personnel available to provide the services or care.

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

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

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

30 (e) If a health facility subject to this chapter does not maintain
31 an emergency department, its employees shall nevertheless exercise
32 reasonable care to determine whether an emergency exists and
33 shall direct the persons seeking emergency care to a nearby facility
34 that can render the needed services, and shall assist the persons
35 seeking emergency care in obtaining the services, including
36 transportation services, in every way reasonable under the
37 circumstances.

38 (f) No act or omission of any rescue team established by any
39 health facility licensed under this chapter, or operated by the federal
40 or state government, a county, or by the Regents of the University

1 of California, done or omitted while attempting to resuscitate any
2 person who is in immediate danger of loss of life shall impose any
3 liability upon the health facility, the officers, members of the staff,
4 nurses, or employees of the health facility, including, but not
5 limited to, the members of the rescue team, or upon the federal or
6 state government or a county, if good faith is exercised.

7 (g) ~~“Rescue team,” as used in this section,~~ *For purposes of this*
8 *section, “rescue team”* means a special group of physicians and
9 surgeons, nurses, and employees of a health facility who have been
10 trained in cardiopulmonary resuscitation and have been designated
11 by the health facility to attempt, in cases of emergency, to
12 resuscitate persons who are in immediate danger of loss of life.

13 (h) This section shall not relieve a health facility of any duty
14 otherwise imposed by law upon the health facility for the
15 designation and training of members of a rescue team or for the
16 provision or maintenance of equipment to be used by a rescue
17 team.