

AMENDED IN SENATE MAY 7, 2014
AMENDED IN SENATE APRIL 10, 2014

SENATE BILL

No. 1238

Introduced by Senator Hernandez

February 20, 2014

An act to add Section 1250.9 to the Health and Safety Code, relating to health facilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 1238, as amended, Hernandez. Health facilities: outpatient care and patient assessment.

Existing law requires the State Department of Public Health to license and regulate health facilities. These provisions govern, among other things, patient care provided by those facilities. A person who violates these provisions is guilty of a misdemeanor.

This bill would require a licensed health care professional acting within his or her scope of practice to assess a patient for followup care following stabilization in an emergency department or postsurgical outpatient service. The bill would require an outpatient to be discharged or admitted to inpatient status after no more than 24 hours, but as soon as reasonable and medically appropriate. The bill would require that a patient be assessed and frequently reassessed for a change in condition until admission, transfer, or discharge occurs. *The bill would authorize an outpatient stay of longer than 24 hours under specified circumstances, including to arrange for a safe discharge and to make arrangements to provide public social services to a patient, and would authorize the department to specify, by regulation, other circumstances under which a longer stay would be permitted.* The bill would additionally require, when a patient remains in a hospital as an outpatient

for longer than 24 hours, as specified, that fact to be documented in the patient's medical record, along with the condition that necessitated an outpatient stay of longer than 24 hours. The bill would also require active monitoring of care extended to a patient for a period longer than 24 hours without an admission to inpatient status, with frequent reassessment, for a change in condition and would require placement to be made as soon as medically appropriate. Because a violation of these requirements would be a misdemeanor, the 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 1250.9 is added to the Health and Safety
- 2 Code, to read:
- 3 1250.9. (a) Following stabilization in an emergency department
- 4 or postsurgical outpatient services, a patient shall be assessed by
- 5 a licensed health care professional acting within his or her scope
- 6 of practice for followup care, including, but not limited to,
- 7 discharge, transfer to another health facility or a community setting,
- 8 or admission as an inpatient.
- 9 (b) After no more than 24 hours, but as soon as reasonable and
- 10 medically appropriate, an outpatient shall be discharged or admitted
- 11 to inpatient status. A patient shall be assessed and frequently
- 12 reassessed for a change in condition until admission, transfer, or
- 13 discharge occurs.
- 14 (c) Notwithstanding subdivision (b), an outpatient stay of longer
- 15 than 24 hours may be permitted when discharge is imminent, under
- 16 the following conditions:
- 17 (1) To arrange for a safe discharge.
- 18 (2) To make arrangements to provide public social services to
- 19 a patient.
- 20 (3) If admission to inpatient status would directly conflict with
- 21 federal Medicare reimbursement requirements for that patient.

1 ~~(4) In other specified circumstances, as determined medically~~
2 ~~appropriate by the department.~~

3 *(d) The department may, by regulation, specify other*
4 *circumstances, in addition to those described in subdivision (c),*
5 *in which hospitals are permitted to provide care on an outpatient*
6 *basis for longer than 24 hours.*

7 ~~(d)~~

8 *(e) When a patient remains in a hospital as an outpatient for*
9 *longer than 24 hours pursuant to subdivision (c), this fact shall be*
10 *documented in the patient's medical record, along with the*
11 *condition that necessitated an outpatient stay of longer than 24*
12 *hours.*

13 ~~(e)~~

14 *(f) Care extended to a patient for a period longer than 24 hours*
15 *without an admission to inpatient status shall be actively monitored*
16 *with frequent reassessment for a change in condition, and*
17 *placement shall be made as soon as medically appropriate.*

18 SEC. 2. No reimbursement is required by this act pursuant to
19 Section 6 of Article XIII B of the California Constitution because
20 the only costs that may be incurred by a local agency or school
21 district will be incurred because this act creates a new crime or
22 infraction, eliminates a crime or infraction, or changes the penalty
23 for a crime or infraction, within the meaning of Section 17556 of
24 the Government Code, or changes the definition of a crime within
25 the meaning of Section 6 of Article XIII B of the California
26 Constitution.