

AMENDED IN SENATE JUNE 25, 1998
AMENDED IN ASSEMBLY MAY 22, 1998
AMENDED IN ASSEMBLY APRIL 28, 1998
AMENDED IN ASSEMBLY APRIL 16, 1998

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

ASSEMBLY BILL

No. 2103

Introduced by Assembly Member Gallegos
(Coauthors: Assembly Members Alquist, Aroner, Baca,
Kuehl, Martinez, and Ortiz)
(Coauthor: Senator Watson)

February 18, 1998

An act to amend Section 1300 of, and to add Sections 1255.1, 1255.2, 1255.3, and 1364.1 to, the Health and Safety Code, ~~and to add Section 101.91 to the Streets and Highways Code,~~ relating to emergency medical services.

LEGISLATIVE COUNSEL'S DIGEST

AB 2103, as amended, Gallegos. Emergency medical services.

(1) Existing law authorizes general acute care hospitals to provide certain special services, including, but not limited to, emergency services, upon approval by the State Department of Health Services.

This bill would require any acute care hospital that provides those services to provide notice of any intended elimination or reduction of emergency services at least 90 days prior to ~~the~~

~~intended~~ a *planned* elimination or reduction in services to the State Department of Health Services, the local government agency in charge of health services, and specified entities under contract with the hospital to provide the services, and to provide public notice in a manner likely to reach a significant number of residents of the community serviced by that facility.

This bill would require a health facility, prior to the date on which it implements an emergency medical service closure or change, to have an implementation plan, to have transfer agreements with other health facilities, and to make reasonable efforts to ensure that the community served by the facility is informed.

This bill would also require the State Department of Health Services, *before approving a downgrade or closure of emergency or critical care services*, to receive a needs assessment to determine impacts, including an impact evaluation of the downgrade or closure of emergency or critical care services upon the community and how the downgrade or closure will affect emergency services provided by other entities. The bill would require the county in which the proposed downgrade or closure will occur to ensure the completion of, and timely notification to the department of the results of, the impact evaluation, thereby imposing a state-mandated local program. This bill would authorize a county to designate the local emergency medical services agency as the agency to conduct the impact evaluation. The bill would require each ~~local emergency medical services agency~~ *county* to develop a policy specifying the criteria it will consider in conducting an impact evaluation, on or before June 30, 1999, thereby imposing a state-mandated local program.

(2) Existing law provides for the licensing and certification of health facilities. Existing law authorizes a general acute care hospital to offer various special services, including emergency center services pursuant to specified requirements. In addition, existing law separately sets forth requirements for the provision of standby emergency medical services in a specifically designated area of a hospital. A violation of existing provisions of law relating to the licensing



and certification of health facilities constitutes a misdemeanor.

This bill would require a health facility holding a special permit for a standby emergency medical service, *except a small and rural hospital*, to post signs clearly stating that the facility offers ~~“Urgent—Medical~~ *“Limited Emergency Services.”* Because it would change the definition of an existing crime, this bill would create a state-mandated local program.

(3) Existing law provides for the licensure and regulation of health care service plans and requires health care service plans to disclose information to plan enrollees. Willful violation of the law regulating health care service plans is a crime.

This bill would require a health care service plan, *within 30 days of receiving notice that an acute care hospital intends to reduce or eliminate emergency services*, to notify, *or provide for the notification of*, plan enrollees who ~~are affected by a downgrade or closure of a hospital’s emergency services in writing no less than 30 days prior to a reduction in emergency services~~ *have selected a medical group or independent practice association that uses a hospital that the hospital will reduce or eliminate its emergency services.* By changing the definition of a crime, the bill would impose a state-mandated local program.

~~(4) Existing law provides for the placement of signs on state highways by the Department of Transportation.~~

~~This bill would require the department to ensure that every sign that indicates the location of a hospital shall also indicate “Urgent Medical Services” if the hospital operates standby emergency services and does not operate at least a basic emergency department and would require the sign to state “Next Emergency Care” and the appropriate number of miles, if the nearest hospital with a basic emergency department is 30 miles or more from the location of the hospital.~~

~~(5) 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, including the~~



creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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 1255.1 is added to the Health and
2 Safety Code, to read:
3 1255.1. (a) Any hospital that operates an emergency
4 center under Section 1255 shall, 90 days prior to ~~reducing~~
5 ~~or eliminating~~ *a planned reduction or elimination* of the
6 level of services provided by the emergency center,
7 provide notice of the intended change to the State
8 Department of Health Services, the local government
9 entity in charge of the provision of health services, and all
10 health care service plans or other entities under contract
11 with the hospital to provide services to enrollees of the
12 plan or other entity. *Nothing in this section shall be*
13 *construed to prohibit the State Department of Health*
14 *Services from exercising its statutory and regulatory*
15 *authority to close or govern the licensure of health*
16 *facilities that are in financial distress or that pose a threat*
17 *to the health and safety of patients.*
18 (b) In addition to the notice required by subdivision
19 (a), the hospital shall, within the time limits specified in
20 subdivision (a), provide public notice of the intended
21 change in a manner that is likely to reach a significant
22 number of residents of the community serviced by that
23 facility.



1 SEC. 2. Section 1255.2 is added to the Health and
2 Safety Code, to read:

3 1255.2. (a) A health facility shall, prior to the date on
4 which it implements an emergency medical service
5 closure or change pursuant to Section 1255.1, have an
6 implementation plan regarding the emergency medical
7 service or closure, and have transfer agreements with
8 other health facilities to ensure availability of, and access
9 to, timely and appropriate emergency care for the
10 community served by the health facility implementing
11 the emergency services change.

12 (b) A health facility implementing a downgrade or
13 change shall make reasonable efforts to ensure that the
14 community served by its facility is informed of the
15 downgrade or closure. Reasonable efforts may include,
16 but not be limited to, advertising the change in terms
17 likely to be understood by a layperson, soliciting media
18 coverage regarding the change, informing patients of the
19 facility of the impending change, and notifying
20 contracting health care service plans as required in
21 Section 1255.1.

22 SEC. 3. Section 1255.3 is added to the Health and
23 Safety Code, to read:

24 1255.3. A health facility holding a special permit for a
25 standby emergency medical service shall post signs
26 clearly stating that the facility offers ~~“Urgent Medical~~
27 *“Limited Emergency Services.”* The facility shall not
28 *otherwise* post signs, distribute literature, or advertise
29 that emergency services are available at the facility.
30 Nothing in this section shall be construed to mean that a
31 facility is no longer providing emergency services for
32 purposes of billing or reimbursement. *A small and rural*
33 *hospital, as defined in Section 124840, is not subject to the*
34 *requirements of this section.*

35 SEC. 4. Section 1300 of the Health and Safety Code is
36 amended to read:

37 1300. (a) Any licensee or holder of a special permit
38 may, with the approval of the state department,
39 surrender his or her license or special permit for
40 suspension or cancellation by the state department. Any



1 license or special permit suspended or canceled pursuant
2 to this section may be reinstated by the state department
3 on receipt of an application showing compliance with the
4 requirements of Section 1265.

5 (b) Before approving a downgrade or closure of
6 emergency or critical care services pursuant to
7 subdivision (a), the state department shall receive a
8 needs assessment to determine impacts, including, but
9 not limited to, an impact evaluation of the downgrade or
10 closure upon the community, including community
11 access to emergency care, and how that downgrade or
12 closure will affect emergency services provided by other
13 entities. Development of the impact evaluation shall
14 incorporate at least one public hearing. The county in
15 which the proposed downgrade or closure will occur shall
16 ensure the completion of the impact evaluation, and shall
17 notify the department of results of an impact evaluation
18 within three days of the completion of that evaluation.
19 The county may designate the local emergency medical
20 services agency as the appropriate agency to conduct the
21 impact evaluation. The impact evaluation and hearing
22 shall be completed within 60 days of the county receiving
23 notification of intent to downgrade or close emergency
24 services. ~~The local emergency medical services agency~~
25 ~~shall consult with~~ *county shall ensure that* all hospital and
26 prehospital health care providers in the geographic area
27 impacted by the service closure or change *are consulted*
28 *with* prior to completing an impact evaluation as
29 required in this section.

30 (c) On or before June 30, 1999, each ~~local emergency~~
31 ~~medical services agency~~ *county* shall develop a policy
32 specifying the criteria it will consider in conducting an
33 impact evaluation pursuant to subdivision (b). Each ~~local~~
34 ~~emergency medical services agency~~ *county* shall submit
35 its impact evaluation policy to the department and the
36 Emergency Medical Services Authority within three days
37 of completion of the policy. The Emergency Medical
38 Services Authority shall provide technical assistance ~~to a~~
39 ~~local emergency medical services agency upon request~~
40 ~~from an agency. If a local emergency medical services~~



1 ~~agency upon request to a county or its designated local~~
2 ~~emergency medical services agency. If a county fails to~~
3 ~~submit an impact evaluation policy, according to the~~
4 ~~requirements of this section, the Emergency Medical~~
5 ~~Services Authority may develop impact evaluation policy~~
6 ~~guidelines to be followed by the local emergency medical~~
7 ~~services agency covering the geographic area of that~~
8 ~~county.~~

9 SEC. 5. Section 1364.1 is added to the Health and
10 Safety Code, to read:

11 ~~1364.1. A health care service plan shall notify~~
12 ~~enrollees who are affected by the downgrade or closure~~
13 ~~of a hospital's emergency services in writing no less than~~
14 ~~30 days prior to a reduction in emergency services. The~~

15 *1364.1. Within 30 days of receiving the notice*
16 *required by Section 1255.1, a health care service plan shall*
17 *notify, or provide for the notification of, enrollees who*
18 *have selected a medical group or independent practice*
19 *association that uses a hospital that the hospital will*
20 *reduce or eliminate its emergency services. The plan may*
21 *require that its contracting medical groups and*
22 *independent practice associations that use the hospital*
23 *provide this notice. The notice shall include a list of*
24 *alternate hospitals that may be used by enrollees for*
25 *emergency services.*

26 ~~SEC. 6. Section 101.91 is added to the Streets and~~
27 ~~Highways Code, to read:~~

28 ~~101.91. The department shall ensure that every sign~~
29 ~~that indicates the location of a hospital shall also indicate~~
30 ~~"Urgent Medical Services" if the hospital operates~~
31 ~~standby emergency services and does not operate at least~~
32 ~~a basic emergency department, as determined by the~~
33 ~~State Department of Health Services. If a hospital sign~~
34 ~~indicates "Urgent Medical Services" pursuant to this~~
35 ~~section and the nearest hospital with a basic emergency~~
36 ~~department is 30 miles or more from the location of the~~
37 ~~hospital referenced on the sign, the sign shall also clearly~~
38 ~~state "Next Emergency Care" and indicate the~~
39 ~~appropriate number of miles.~~

40 ~~SEC. 7.—~~



1 SEC. 6. No reimbursement is required by this act
2 pursuant to Section 6 of Article XIII B of the California
3 Constitution for certain costs that may be incurred by a
4 local agency or school district because in that regard this
5 act creates a new crime or infraction, eliminates a crime
6 or infraction, or changes the penalty for a crime or
7 infraction, within the meaning of Section 17556 of the
8 Government Code, or changes the definition of a crime
9 within the meaning of Section 6 of Article XIII B of the
10 California Constitution.

11 However, notwithstanding Section 17610 of the
12 Government Code, if the Commission on State Mandates
13 determines that this act contains other costs mandated by
14 the state, reimbursement to local agencies and school
15 districts for those costs shall be made pursuant to Part 7
16 (commencing with Section 17500) of Division 4 of Title
17 2 of the Government Code. If the statewide cost of the
18 claim for reimbursement does not exceed one million
19 dollars (\$1,000,000), reimbursement shall be made from
20 the State Mandates Claims Fund.

21 Notwithstanding Section 17580 of the Government
22 Code, unless otherwise specified, the provisions of this act
23 shall become operative on the same date that the act
24 takes effect pursuant to the California Constitution.

