

AMENDED IN ASSEMBLY APRIL 27, 1999

AMENDED IN ASSEMBLY APRIL 6, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 421

Introduced by Assembly Member Aroner

February 12, 1999

An act to amend Section 1300 of the Health and Safety Code, relating to health facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 421, as amended, Aroner. Health facilities: license suspension and revocation: emergency services.

Under existing law, a special permit may be issued by the State Department of Health Services to a health facility, in addition to a license, authorizing the facility to offer one or more of a variety of special services, including emergency services. Existing law provides that a licensee or holder of a special permit may surrender his or her license or special permit for suspension or revocation, with the approval of the department. Existing law places specified restrictions, including departmental review of the county impact evaluation, on approval of the downgrade or closure of emergency services pursuant to these provisions. Violation of the existing law provisions relating to health facilities, or willful or repeated violation of any rule or regulation adopted thereunder, is a crime.

This bill would additionally provide that, notwithstanding the above provisions, if the county or its designated local emergency services agency concludes that a downgrade to standby emergency medical services, or the closure of an emergency service, would not be in the best interest of the general public, the department shall not approve a special permit for a standby emergency medical service or shall not permit the closure of the emergency service. *The bill would authorize hospitals to appeal a determination that the downgrade or closure is not in the best interest of the general public to the Secretary of the California Health and Human Services Agency.* The bill would declare that its provisions shall only apply in urban counties, as defined. This bill would also provide that it does not apply to certain facilities subject to closure under specified provisions of law.

Existing law requires each county or its designated local emergency medical services agency to develop a policy specifying the criteria it will consider in conducting an impact evaluation.

This bill would require that policy to include evaluation of the economic impact on the owner of the facility.

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 1300 of the Health and Safety
2 Code is amended to read:
3 1300. (a) Any licensee or holder of a special permit
4 may, with the approval of the state department,
5 surrender his or her license or special permit for
6 suspension or cancellation by the state department. Any
7 license or special permit suspended or canceled pursuant
8 to this section may be reinstated by the state department

1 on receipt of an application showing compliance with the
2 requirements of Section 1265.

3 (b) Before approving a downgrade or closure of
4 emergency services pursuant to subdivision (a), the state
5 department shall receive a copy of the impact evaluation
6 of the county to determine impacts, including, but not
7 limited to, an impact evaluation of the downgrade or
8 closure upon the community, including community
9 access to emergency care, and how that downgrade or
10 closure will affect emergency services provided by other
11 entities. Development of the impact evaluation shall
12 incorporate at least one public hearing. The county in
13 which the proposed downgrade or closure will occur shall
14 ensure the completion of the impact evaluation, and shall
15 notify the department of results of an impact evaluation
16 within three days of the completion of that evaluation.
17 The county may designate the local emergency medical
18 services agency as the appropriate agency to conduct the
19 impact evaluation. The impact evaluation and hearing
20 shall be completed within 60 days of the county receiving
21 notification of intent to downgrade or close emergency
22 services. The county or designated local emergency
23 medical services agency shall ensure that all hospital and
24 prehospital health care providers in the geographic area
25 impacted by the service closure or change are consulted
26 with, and local emergency service agencies and planning
27 or zoning authorities are notified, prior to completing an
28 impact evaluation as required in this section. This
29 subdivision shall be implemented on and after the date
30 that the county in which the proposed downgrade or
31 closure will occur, or its designated local emergency
32 medical services agency, has developed a policy
33 specifying the criteria it will consider in conducting an
34 impact evaluation, as required by this subdivision.

35 (c) (1) Notwithstanding subdivision (a), if the county
36 or its designated local emergency services agency
37 concludes that a downgrade to standby emergency
38 medical services, or the closure of an emergency service,
39 would not be in the best interest of the general public, and
40 includes this conclusion in its impact evaluation, the

1 department shall not approve a special permit for a
2 standby emergency medical service, or shall not permit
3 the closure of the emergency service. *However, if the*
4 *county or its designated local emergency services agency*
5 *determines that a downgrade or closure would not be in*
6 *the best interest of the general public, a hospital may*
7 *appeal to the Secretary of the California Health and*
8 *Human Services Agency to overturn the determination.*
9 *The appeal shall be submitted, reviewed, and decided*
10 *upon in accordance with procedures and timelines*
11 *recommended by the Licensing and Certification*
12 *Division of the department.*

13 (2) Paragraph (1) shall not apply to a facility or unit
14 within a facility that is subject to closure by the
15 department pursuant to subparagraph (B) of paragraph
16 (2) of subdivision (c) of Section 1280.

17 (3) This subdivision shall only apply in urban counties,
18 as defined in Section 50801.

19 (d) The Emergency Medical Services Authority shall
20 develop guidelines for development of impact evaluation
21 policies. On or before June 30, 1999, each county or its
22 designated local emergency medical services agency
23 shall develop a policy specifying the criteria it will
24 consider in conducting an impact evaluation pursuant to
25 subdivision (b). The policy shall include an evaluation of
26 the economic impact on the owner of the facility of
27 keeping the emergency room open or not downgrading
28 it to standby status. Each county or its designated local
29 emergency medical services agency shall submit its
30 impact evaluation policy to the department and the
31 Emergency Medical Services Authority within three days
32 of completion of the policy. The Emergency Medical
33 Services Authority shall provide technical assistance
34 upon request to a county or its designated local
35 emergency medical services agency.

36 SEC. 2. No reimbursement is required by this act
37 pursuant to Section 6 of Article XIII B of the California
38 Constitution because the only costs that may be incurred
39 by a local agency or school district will be incurred
40 because this act creates a new crime or infraction,

1 eliminates a crime or infraction, or changes the penalty
2 for a crime or infraction, within the meaning of Section
3 17556 of the Government Code, or changes the definition
4 of a crime within the meaning of Section 6 of Article
5 XIII B of the California Constitution.

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