

AMENDED IN SENATE APRIL 5, 1999

SENATE BILL

No. 349

Introduced by Senator Figueroa

(Coauthor: Assembly ~~Member~~ *Members Corbett and
Dutra*)

February 9, 1999

An act to amend Section 1317.1 of, *and to add Section 1371.45 to*, the Health and Safety Code, relating to emergency services.

LEGISLATIVE COUNSEL'S DIGEST

SB 349, as amended, Figueroa. Emergency services and care.

Existing law provides for the regulation of health facilities, including general acute care hospitals and acute psychiatric hospitals. For purposes of these provisions, existing law defines emergency services and care as medical screening, examination, and evaluation by a physician, or, to the extent permitted by applicable law, by other appropriate personnel under the supervision of a physician, to determine if an emergency medical condition or active labor exists and, if it does, the care, treatment, or surgery by a physician necessary to relieve or eliminate the emergency medical condition, within the capability of the facility.

This bill would define emergency services and care to include additional screening, examination, and evaluation by a physician, or, to the extent permitted by applicable law, by other appropriate personnel under the supervision of a physician, at a licensed general acute care hospital or acute

psychiatric hospital designated by the county to provide services for purposes of the Lanterman-Petris-Short Act to determine if a psychiatric emergency medical condition exists as provided under the bill.

Existing law, the Knox-Keene Health Care Service Plan Act of 1975, provides for the licensure and regulation of health care service plans administered by the Commissioner of Corporations. Willful violation of any of these provisions is a crime.

Existing law requires a health care service plan to reimburse providers for emergency services and care provided to its enrollees until the care results in stabilization of the enrollee, except under certain conditions, and requires the health care service plan to assume responsibility for the care of the patient if there is a disagreement between the plan and the provider regarding the need for necessary medical care. *Existing law prohibits the health care service plan from denying payment for this care.* For purposes of this provision, emergency services and care is as defined under the provisions governing health facilities.

This bill *would provide for the reimbursement of these providers of emergency services and care in the manner specified in the bill.* The bill, as discussed above, would change the definition of emergency care and services. Since the willful violation of the provisions governing a health care service plan is a crime, this bill would impose a state-mandated local program by changing the definition of a crime.

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 1317.1 of the Health and Safety
2 Code is amended to read:

3 1317.1. Unless the context otherwise requires, the
4 following definitions shall control the construction of this
5 article and Section 1371.4:

6 (a) (1) “Emergency services and care” means
7 medical screening, examination, and evaluation by a
8 physician, or, to the extent permitted by applicable law,
9 by other appropriate personnel under the supervision of
10 a physician, to determine if an emergency medical
11 condition or active labor exists and, if it does, the care,
12 treatment, and surgery by a physician necessary to
13 relieve or eliminate the emergency medical condition,
14 within the capability of the facility.

15 (2) “Emergency services and care” also means an
16 additional screening, examination, and evaluation by a
17 physician, or, to the extent permitted by applicable law,
18 by other appropriate personnel under the supervision of
19 a physician, at a licensed general acute care hospital or
20 licensed acute psychiatric hospital designated by the
21 county as a facility to provide services for purposes of the
22 Lanterman-Petris-Short Act (Part 1 (commencing with
23 Section 5000) of Division 5 of the Welfare and Institutions
24 Code), also known as an L-P-S facility, to determine if a
25 psychiatric emergency medical condition exists,
26 including an evaluation to determine the placement or
27 continuation of a prior placement of a hold pursuant to
28 Section 5150 of the Welfare and Institutions Code, and the
29 care and treatment performed by the personnel of the
30 licensed general acute care hospital or acute psychiatric
31 hospital or by a physician necessary to relieve or eliminate
32 the emergency medical condition.

33 (b) “Emergency medical condition” means a medical
34 condition manifesting itself by acute symptoms of
35 sufficient severity (including severe pain) such that the
36 absence of immediate medical attention could reasonably
37 be expected to result in any of the following:

38 (1) Placing the patient’s health in serious jeopardy.



1 (2) Serious impairment to bodily functions.

2 (3) Serious dysfunction of any bodily organ or part.

3 (c) “Active labor” means a labor at a time at which
4 either of the following would occur:

5 (1) There is inadequate time to effect safe transfer to
6 another hospital prior to delivery.

7 (2) A transfer may pose a threat to the health and
8 safety of the patient or the unborn child.

9 (d) “Hospital” means all hospitals with an emergency
10 department licensed by the state department.

11 (e) “State department” means the State Department
12 of Health Services.

13 (f) “Medical hazard” means a material deterioration
14 in medical condition in, or jeopardy to, a patient’s medical
15 condition or expected chances for recovery.

16 (g) “Board” means the Medical Board of California.

17 (h) “Within the capability of the facility” means those
18 capabilities which the hospital is required to have as a
19 condition of its emergency medical services permit and
20 services specified on Services Inventory Form 7041 filed
21 by the hospital with the Office of Statewide Health
22 Planning and Development.

23 (i) “Consultation” means the rendering of an opinion,
24 advice, or prescribing treatment by telephone and, when
25 determined to be medically necessary jointly by the
26 emergency and specialty physicians, includes review of
27 the patient’s medical record, examination, and treatment
28 of the patient in person by a specialty physician who is
29 qualified to give an opinion or render the necessary
30 treatment in order to stabilize the patient.

31 (j) ~~An~~ A patient is “stabilized” or “stabilization” has
32 occurred when, in the opinion of the treating provider,
33 the patient’s medical condition is such that, within
34 reasonable medical probability, no material deterioration
35 of the patient’s condition is likely to result from, or occur
36 during, a transfer of the patient as provided for in Section
37 1317.2, Section 1317.2a, or other pertinent statute.

38 ~~SEC. 2. No reimbursement is required by this act~~
39 ~~pursuant to Section 6 of Article XIII B of the California~~
40 ~~Constitution because the only costs that may be incurred~~



1 ~~by a local agency or school district will be incurred~~
2 ~~because this act creates a new crime or infraction,~~
3 ~~eliminates a crime or infraction, or changes the penalty~~
4 ~~for a crime or infraction, within the meaning of Section~~
5 ~~17556 of the Government Code, or changes the definition~~
6 ~~of a crime within the meaning of Section 6 of Article~~
7 ~~XIII B of the California Constitution.~~

8 ~~Notwithstanding Section 17580 of the Government~~
9 ~~Code, unless otherwise specified, the provisions of this act~~
10 ~~shall become operative on the same date that the act~~
11 ~~takes effect pursuant to the California Constitution.~~

12 *SEC. 2. Section 1371.45 is added to the Health and*
13 *Safety Code, to read:*

14 *1371.45. A health care service plan that is subject to*
15 *subdivisions (b) and (c) of Section 1371.4 and is required*
16 *to pay for emergency services and care, shall reimburse*
17 *the provider of emergency services and care at the*
18 *contract rates if the provider of emergency services and*
19 *care has signed a written contract with the health care*
20 *service plan. If the provider of the emergency services*
21 *and care does not have a written contract with the health*
22 *care service plan, the health care service plan shall*
23 *reimburse the provider at the provider's usual and*
24 *customary rates less any applicable copayments and*
25 *deductibles.*

26 *SEC. 3. No reimbursement is required by this act*
27 *pursuant to Section 6 of Article XIII B of the California*
28 *Constitution because the only costs that may be incurred*
29 *by a local agency or school district will be incurred*
30 *because this act creates a new crime or infraction,*
31 *eliminates a crime or infraction, or changes the penalty*
32 *for a crime or infraction, within the meaning of Section*
33 *17556 of the Government Code, or changes the definition*
34 *of a crime within the meaning of Section 6 of Article*
35 *XIII B of the California Constitution.*

