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Bill Analysis
Legislative Service Commission

S.B. 400

126th General Assembly
(As Introduced)

Sen. Stivers

BILL SUMMARY

- Requires a hospital to operate an emergency department offering emergency medical services 24 hours a day, seven days a week, unless the hospital comes within a number of exceptions to this requirement.

CONTENT AND OPERATION

Emergency department requirement

(Revised Code § 3727.50)

The bill requires each hospital¹ in which medical services are provided to patients to operate an emergency department providing emergency medical services 24 hours a day, seven days a week, unless the hospital comes within one of a number of exceptions to this requirement (*see* "Exceptions" below). A hospital, subject to the emergency department requirement, must do all of the following:

(1) Ensure that at least one physician² and an adequate number of nursing personnel and other health care professionals are on duty and attending to the emergency department at all times;

¹ "Hospital" is not defined in the bill. In the law governing the Ohio Department of Health, "hospital" means an institution classified by the Department that provides inpatient diagnostic, medical, surgical, obstetrical, psychiatric, or rehabilitation care for a continuous period longer than 24 hours or a hospital operated by a health maintenance organization. (R.C. 3727.01, not in the bill.)

² Under the bill, "physician" means an individual authorized under statute to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery.

(2) Ensure that the emergency department has a designated space in the hospital that is readily accessible to the general public;

(3) Post a clear and easily readable sign on the exterior of the hospital indicating the location of the emergency department;

(4) Designate a medical staff member³ to direct the operations of the emergency department;

(5) Integrate emergency department services with the services provided by other departments of the hospital;

(6) Ensure that policies and procedures governing medical care provided by staff in the emergency department are established and regularly updated by the medical staff;

(7) Maintain provider agreements with the federal Medicare and Medicaid programs.

Exceptions

(R.C. 3727.51)

The following hospitals are exempt from the bill's emergency department requirement:

(1) A hospital engaged primarily in providing specialized care to inpatients with alcoholism or chemical dependency rehabilitative service needs;

(2) A hospital classified as a long-term care hospital under federal rule that is engaged primarily in providing specialized acute hospital care for medically complex patients who are critically ill or have multi-system complications or failures, and have an average length of stay greater than 25 days;

(3) A hospital engaged primarily in providing specialized care to inpatients with intensive, multi-disciplinary physical restorative service needs;

(4) A hospital engaged primarily in providing specialized care to inpatients diagnosed with mental illness;

³"Medical staff member" is defined as a physician or dentist who has been granted staff membership and holds active professional privileges at a hospital as determined by the hospital's governing body in accordance with statute (R.C. 3701.351, not in the bill).

(5) A hospital in which medical services were provided prior to August 8, 2006, and that has not, since that date, begun offering certain specialized services;⁴

(6) A hospital in which medical services were provided prior to August 8, 2006, and that has not, since that date, added more than 10% of the bed capacity that existed on that date;

(7) A hospital that is physically attached to another hospital if the hospital to which it is attached operates an emergency department in compliance with the bill.

Enforcement

(R.C. 3727.05)

The bill authorizes the Director of Health to petition the court of common pleas of the county in which the hospital is located for an order enjoining any person or political subdivision, agency, or instrumentality of the state from operating a hospital in violation of the bill.

HISTORY

ACTION	DATE
Introduced	11-30-06

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⁴ *The specialized services include solid organ and bone marrow transplantation; stem cell harvesting and reinfusion; cardiac catheterization; open-heart surgery; obstetric and newborn care; pediatric intensive care; operation of linear accelerators; operation of cobalt radiation therapy units; operation of gamma knives (R.C. 3702.11, not in the bill).*