

Bill Summary
1st Session of the 57th Legislature

Bill No.:	SB 68
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Bill Analysis

SB 68 creates a regulatory and licensing apparatus to govern the formation and maintenance of a “freestanding emergency medical care facility.” A freestanding emergency medical care facility is defined by the act as structurally separate and distinct from a hospital designed to provide emergency or nonemergent care. No facility may present itself to the public as a freestanding emergency medical care facility without a license issued by the State Department of Health. The measure provides a penalty for an offense committed pursuant to this act. The measure caps the administrative fine for noncompliance at \$1,000.00. For a facility to obtain a license, the measure requires the facility to provide:

- 1) A licensing fee in an amount set by the Commissioner of Health
- 2) Evidence that there is at least one doctor and one nurse on staff
- 3) Evidence that the facility meets the standards established by the Department

The license fee will be paid on an annual basis. SB 68 authorizes the State Commissioner of Health to determine the fee and implement rules governing facility standards. Revenue from the fees will be deposited in the fund created by the measure, hereafter known as the Freestanding Emergency Medical Care Facility Licensing Revolving Fund. Expenditures from the fund will only be used to implement the rules and regulations created by the measure. The measure exempts facilities designed solely to treat a manufacturer’s employees, temporary disaster clinics, dentists, optometrists, podiatrists, nursing homes, and hospitals or any facility owned by a licensed hospital.

Each facility must provide all patients, regardless of their ability to pay, an appropriate medical screening, examination, and stabilization to determine whether an emergency medical condition exists. All facilities must enter into a referral, transmission, or admission agreement with a hospital licensed in the state before accepting any patients.

The measure authorizes the Department to suspend, penalize, or revoke any license for failing to comply with the provisions listed in the bill. Furthermore, the Department may issue an emergency suspension without a hearing if the Department has reasonable cause to believe that the conduct of a license holder creates an immediate danger to the public health or safety. The licensee may appeal the suspension 10-13 days after the suspension.

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