

SENATE NO. 1330

AN ACT IMPROVING ACCESS TO EMERGENCY CARE

*Be it enacted by the Senate and House of Representatives in General Court assembled,
And by the authority of the same, as follows:*

1 SECTION 1. Chapter 111 of the General Laws is hereby amended by inserting after Section

2 51G the following section:

3 Section 51H. (a) The department of public health shall promulgate regulations establishing
4 guidelines for the prompt admission by a hospital with an emergency department of those
5 individuals presenting to the emergency department who are determined at the time of an
6 emergency department visit to require inpatient hospital services at the hospital. The guidelines
7 promulgated by the department shall include but not be limited to:

8 (1) Measures to substantially reduce or eliminate hospital crowding and boarding of patients in
9 the emergency department which shall include the establishment of a reasonable median time
10 within which an admitted patient should be moved to an appropriate inpatient destination. Such
11 median time shall be established to eliminate boarding, as defined by the department;

12 (2) Development of protocols to be used by every hospital with an emergency department to
13 track and identify the length of stay patterns and deviations for patients in the emergency
14 department;

15 (3) Creation of data collection and monitoring programs to be reported to the department and
16 the division of health care finance and policy that measure compliance by each hospital with the
17 guidelines promulgated pursuant to this section;

18 (4) Provide for exceptions for extraordinary circumstances involving mass casualties.

19 In developing such regulations, the department shall consult with the Advisory Council on
20 Hospital Crowding and Emergency Boarding established pursuant to paragraph (b) of this
21 section.

22 (b) There shall be an advisory council on hospital crowding and emergency boarding within
23 the department. The advisory council shall consist of the commissioner or his designee who
24 shall serve as chairman, the commissioner of the division of health care finance and policy or
25 his designee, the commissioner of the department of mental health or his designee, the director
26 of the office of Medicaid or his designee, one member appointed by the Massachusetts Hospital
27 Association, one member appointed by the Massachusetts College of Emergency Physicians,
28 one member appointed by the emergency medical services regional councils, one member
29 appointed by the Massachusetts Medical Society, one member appointed by the Massachusetts
30 Chapter of Emergency Nurses Association, one member appointed by the Massachusetts
31 Association of Health Plans, one member appointed by Blue Cross Blue Shield of
32 Massachusetts, and one member appointed by the commissioner representing consumers of
33 health care. The advisory council shall have the following powers and duties:

34 (1) collect and analyze data relating to a comprehensive assessment of emergency department
35 visits for both admitted and discharged patients, including length of stay, the percentage of
36 admitted patients who are boarders (as defined by the department of public health), and the
37 length of time they boarded in the emergency department, the number of hours an emergency

38 department was on diversion status, broken down by day of the week, and the actual number of
39 emergency diversions for the prior fiscal year;

40 (2) make recommendations to the department as to the measures by which to assess a hospital's
41 success in eliminating crowding, such as the number of diversions, the average wait time to
42 receive emergency services, the percentage of patients in an emergency treatment area within
43 one hour of arriving in the emergency department, and the percentage of patients that are in an
44 inpatient bed within the time frame established by the guidelines promulgated pursuant to
45 paragraph (a).

46 The advisory council shall be consulted by the department in the development of the
47 regulations promulgated pursuant to paragraph (a) and the advisory council may make from
48 time to time recommendations to the department to change such regulations.

49 SECTION 2. The department of public health, in consultation with the Advisory Council on
50 Hospital Crowding and Emergency Boarding shall develop recommendations relative to the
51 establishment of an incentive payment program to be funded through the Uncompensated Care
52 Trust Fund, or such other source of funding as the department may recommend, to provide
53 supplemental payments to hospitals with emergency departments that meet the guidelines
54 promulgated pursuant to paragraph (a) of section 51H of Chapter 111 of the General Laws. The
55 Department shall file a report, with recommended legislation, with the clerks of the house of
56 representatives and the senate no later than December 31, 2008.