

2019 Regular Session

SENATE BILL NO. 36

BY SENATOR MILLS

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

HEALTH CARE. Provides relative to emergency departments. (8/1/19)

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AN ACT

To enact Subpart C of Part II of Chapter 11 of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:2115.31 through 2115.33, relative to emergency departments; to provide for legislative intent; to provide for definitions; to provide for a prohibition on freestanding emergency departments; to provide for licensure of hospital off-campus emergency departments; to provide for geographical prohibitions within rural hospital primary service areas; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Subpart C of Part II of Chapter 11 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:2115.31 through 2115.33 is hereby enacted to read as follows:

**SUBPART C. EMERGENCY DEPARTMENTS**

**§2115.31. Legislative intent**

**A. The legislature finds and declares that in order to protect the health and welfare of the public it is imperative to regulate and control entities that hold themselves out to the public as providing emergency medical care.**

1           **B. The legislature further finds and declares that emergency medical**  
2 **services should be provided in a licensed hospital.**

3           **C. The legislature further finds and declares that freestanding**  
4 **emergency departments, which by definition are not licensed as a part of a**  
5 **hospital, do not have inpatient hospital services and thus do not promote the**  
6 **health and welfare of the public.**

7           **D. The legislature further finds and declares that rural hospitals are an**  
8 **essential part of our state's healthcare delivery safety net and their**  
9 **sustainability warrants protections from competing offsite emergency**  
10 **departments with no inpatient hospital services encroaching into their primary**  
11 **service area.**

12 **§2115.32. Emergency department; definitions**

13           **For purposes of this Subpart, the following definitions shall apply:**

14           **(1) "Department" means the Louisiana Department of Health.**

15           **(2) "Emergency medical services" means those medical services**  
16 **necessary to screen, evaluate, and stabilize an emergency medical condition of**  
17 **recent onset and severity, including severe pain, that would lead a prudent**  
18 **layperson, acting reasonably and possessing an average knowledge of health and**  
19 **medicine, to believe that the absence of immediate medical attention could**  
20 **reasonably be expected to result in placing the health of the individual in serious**  
21 **jeopardy, serious impairment to bodily function, or serious dysfunction of any**  
22 **bodily organ or part.**

23           **(3) "Freestanding emergency department" means a healthcare facility**  
24 **that holds itself out to the public as providing emergency medical services and**  
25 **is not licensed as part of the main campus of a hospital or as an off-site campus**  
26 **of a hospital.**

27           **(4) "Healthcare facility" means a facility, including but not limited to a**  
28 **hospital, or an office where a healthcare provider furnishes care to patients for**  
29 **health needs or medical conditions.**



Proposed law provides that freestanding emergency departments shall be prohibited in Louisiana.

Proposed law provides that no license shall be granted to a hospital off-site campus emergency department within the primary service area of a rural hospital as defined by present law.

Effective August 1, 2019.

(Adds R.S. 40:2115.31 through 2115.33)