

ASSEMBLY BILL

No. 974

Introduced by Assembly Member Hall

February 22, 2013

An act to amend Section 1317.2 of the Health and Safety Code, relating to health facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 974, as introduced, Hall. Patient transfer: nonmedical reasons: notice to contact person or next of kin.

Existing law establishes the State Department of Public Health and sets forth its powers and duties, including, but not limited to, the licensing and regulation of health facilities, as defined. Existing law prohibits the transfer of a person needing emergency services from one hospital to another for any nonmedical reason unless prescribed conditions are met. A knowing and intentional violation of those provisions is a crime.

This bill would, in addition, require that prior to a transfer of a patient for a nonmedical reason, the hospital ask the patient if there is an emergency contact person who should be notified, and contact that person and alert him or her about the proposed transfer, and if the patient is not able to respond, that the hospital make a reasonable effort to ascertain the identity of the emergency contact person or the next of kin and alert the contact about the transfer. By changing the definition of an existing crime, this bill would impose a state-mandated local program.

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 1317.2 of the Health and Safety Code is
- 2 amended to read:
- 3 1317.2. No person needing emergency services and care may
- 4 be transferred from a hospital to another hospital for any
- 5 nonmedical reason (such as the person’s inability to pay for any
- 6 emergency service or care) unless each of the following conditions
- 7 are met:
- 8 (a) The person is examined and evaluated by a physician and
- 9 surgeon, including, if necessary, consultation, prior to transfer.
- 10 (b) The person has been provided with emergency services and
- 11 care so that it can be determined, within reasonable medical
- 12 probability, that the transfer or delay caused by the transfer will
- 13 not create a medical hazard to the person.
- 14 (c) A physician and surgeon at the transferring hospital has
- 15 notified and has obtained the consent to the transfer by a physician
- 16 and surgeon at the receiving hospital and confirmation by the
- 17 receiving hospital that the person meets the hospital’s admissions
- 18 criteria relating to appropriate bed, personnel, and equipment
- 19 necessary to treat the person.
- 20 (d) The transferring hospital provides for appropriate personnel
- 21 and equipment which a reasonable and prudent physician and
- 22 surgeon in the same or similar locality exercising ordinary care
- 23 would use to effect the transfer.
- 24 (e) All the person’s pertinent medical records and copies of all
- 25 the appropriate diagnostic test results which are reasonably
- 26 available are transferred with the person.
- 27 (f) The records transferred with the person include a “Transfer
- 28 Summary” signed by the transferring physician and surgeon which
- 29 contains relevant transfer information. The form of the “Transfer
- 30 Summary” shall, at a minimum, contain the person’s name, address,
- 31 sex, race, age, insurance status, and medical condition; the name
- 32 and address of the transferring physician and surgeon or emergency
- 33 department personnel authorizing the transfer; the time and date

1 the person was first presented at the transferring hospital; the name
2 of the physician and surgeon at the receiving hospital consenting
3 to the transfer and the time and date of the consent; the time and
4 date of the transfer; the reason for the transfer; and the declaration
5 of the signor that the signor is assured, within reasonable medical
6 probability, that the transfer creates no medical hazard to the
7 patient. Neither the transferring physician and surgeon nor
8 transferring hospital shall be required to duplicate, in the “Transfer
9 Summary,” information contained in medical records transferred
10 with the person.

11 (g) The transfer conforms with regulations established by the
12 state department. These regulations may prescribe minimum
13 protocols for patient transfers.

14 *(h) The patient is first asked if there is an emergency contact*
15 *person who should be notified, and prior to the transfer, the*
16 *hospital contacts that person and alerts him or her about the*
17 *proposed transfer. If the patient is not able to respond, the hospital*
18 *shall make a reasonable effort to ascertain the identity of the*
19 *emergency contact person or the next of kin and alert the contact*
20 *about the transfer.*

21 ~~(h)~~

22 (i) Nothing in this section shall apply to a transfer of a patient
23 for medical reasons.

24 ~~(i)~~

25 (j) Nothing in this section shall prohibit the transfer or discharge
26 of a patient when the patient or the patient’s representative requests
27 a transfer or discharge and gives informed consent to the transfer
28 or discharge against medical advice.

29 SEC. 2. No reimbursement is required by this act pursuant to
30 Section 6 of Article XIII B of the California Constitution because
31 the only costs that may be incurred by a local agency or school
32 district will be incurred because this act creates a new crime or
33 infraction, eliminates a crime or infraction, or changes the penalty
34 for a crime or infraction, within the meaning of Section 17556 of
35 the Government Code, or changes the definition of a crime within
36 the meaning of Section 6 of Article XIII B of the California
37 Constitution.