

Regular Session, 2012

HOUSE CONCURRENT RESOLUTION NO. 108

BY REPRESENTATIVE SIMON

A CONCURRENT RESOLUTION

To create a study committee to study inpatient transfers between hospitals, public and private, and make recommendations on the establishment of hospital to hospital transfer agreements.

WHEREAS, there is a systematic problem with lack of access to life saving health care for individuals with speciality problems, especially the uninsured; and

WHEREAS, the scope of this study is designed to encompass multiple critical issues which have all served to impede the transfer of indigent hospital inpatients to other facilities with specialized capabilities, including but not limited to: hospital capacity, liability, payment issues, clearly defined emergent care circumstances, and transfer protocols; and

WHEREAS, there is no federal or state obligation to accept an inpatient transfer from an admitting hospital in situations where the patient requires specialized care that is not available at the admitting hospital; and

WHEREAS, the recognition of the existence of a fundamental right to emergent care needs to extend beyond the initial access point of care to the specialized care of hospital inpatients in situations where the admitting hospital lacks adequate technological resources to provide the appropriate level of care; and

WHEREAS, the difficulty in accessing specialized care has been exacerbated by the lack of access to neurosurgeons in the state; and

WHEREAS, the severe shortage of neurosurgeons is attributable to many factors, including the static number of neurosurgical residency training program graduates, medicolegal pressures, and rising professional liability insurance costs; and

WHEREAS, there is a need for a dedicated trauma system to deal effectively with severely injured patients along with the purposeful organization of existing health care

resources can help to ensure the optimal treatment of all injured patients, regardless of their admission status; and

WHEREAS, the lack of structured speciality care has created the need for a standardized system of care with appropriate criteria and procedures for transferring hospital inpatients to facilities with specialized capabilities to adequately and effectively address patients' health concerns; and

WHEREAS, a deep understanding and commitment to resolve these issues have been exhibited by community leaders, EMS systems, hospitals, physicians, medical boards, state and local policymakers, and patient families.

THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby create a study committee, composed of members as hereinafter provided, to study and make recommendations with respect to the transfer of hospital inpatients who require specialty care needs.

BE IT FURTHER RESOLVED that the study committee created herein shall be composed of six members as follows:

(1) A member of the Louisiana Emergency Response Network (LERN) appointed by the executive director of LERN.

(2) A physician member of the LSU Health Care Services Division appointed by the chief executive officer.

(3) A member of the Louisiana Hospital Association appointed by the president and chief executive officer of the association.

(4) A member of the Louisiana State Medical Society appointed by the president.

(5) A member of the Louisiana State Board of Medical Examiners appointed by the executive director of the board.

(6) A physician member of the Interim LSU Public Hospital (known as the Medical Center of Louisiana at New Orleans) appointed by the medical director.

(7) A member of Our Lady of the Lake Regional Medical Center appointed by the president and chief executive officer.

BE IT FURTHER RESOLVED that the chairman of the study committee shall be the member representing LERN and the chairman shall facilitate the organization of the

committee in the adoption of rules of procedure, adoption of a work schedule, and adoption of any additional measures that it deems necessary for the timely performance of its duties.

BE IT FURTHER RESOLVED that members of the study committee shall serve without compensation but may be reimbursed for incurred expenses as provided by their respective organizations; that legislative members shall receive such per diem and expenses as is provided for legislators during attendance at committee meetings; and that other members shall be paid in accordance with state travel regulations by the respective departments, agencies, or associations of which they are officers or employees.

BE IT FURTHER RESOLVED that the study committee may request and utilize such counsel, assistance, personnel, facilities, and advice as may be obtained from any and all sources, public and private, including but not limited to state agencies, business, labor, private research agencies, individuals, and organizations.

BE IT FURTHER RESOLVED the study committee, at a minimum, shall review and consider the following: (1) physician involvement; (2) utilization review and case management; (3) transfer protocols; (4) communication, prioritization, and coordination problems; (5) hospitals who refuse patients based on inability to pay in comparison to those that lack capacity; (6) hospital versus physician acceptance; (7) liability and legal reimbursement; (8) clearly defined emergent circumstances and event triggers; (9) priority of types of care; (10) capacity saturation; (11) lack of neurosurgeons; (12) abuse of the system; (13) staff education; and (14) information technology.

BE IT FURTHER RESOLVED that the study committee shall outline and establish a practical step-by-step guide for implementing inpatient transfers.

BE IT FURTHER RESOLVED that the study committee shall study the development of written hospital transfer agreements for the transfer of inpatients in the event of emergency situations.

BE IT FURTHER RESOLVED that these contractual commitments shall require the transferring hospitals to only transfer those patients who require services that the transferring hospital cannot provide.

BE IT FURTHER RESOLVED that the study committee shall examine Louisiana's trauma center system and investigate the impact that additional dedicated trauma centers would have on improving access to critical care in the state.

BE IT FURTHER RESOLVED that the study committee shall also consider the need of establishing a regional trauma registry to collect data to assess the appropriateness, timeliness, as well as costs and outcome, of transporting hospital inpatients between hospitals.

BE IT FURTHER RESOLVED that the study committee shall establish an effective action plan for implementing its findings.

BE IT FURTHER RESOLVED that the study committee shall have the authority to consider, investigate, and evaluate any and all other matters or issues relevant to improving the delivery of care to hospital inpatients in need of treatment at facilities with specialized capabilities.

BE IT FURTHER RESOLVED that the study committee shall meet as necessary and shall report its findings to the House Committee on Health and Welfare and the Senate Committee on Health and Welfare not later than February 1, 2013.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE