

SENATE No. 874

The Commonwealth of Massachusetts

PRESENTED BY:

Moore, Richard (SEN)

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act Relative to Patient Safety

PETITION OF:

NAME:

Moore, Richard (SEN)

DISTRICT/ADDRESS:

Worcester and Norfolk

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. S01272 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT RELATIVE TO PATIENT SAFETY.

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. Section 51 of Chapter 111 of the General Laws, as appearing in the 2006
2 Official Edition, is hereby amended by inserting at the end thereof the following:

3 Each hospital in the Commonwealth that operates an emergency room shall annually file with the
4 department, within thirty (30) days of the start of the hospital fiscal year, a written operating plan
5 designed to eliminate emergency room overcrowding and diversions. The plan shall include the
6 following:

7 1) A comprehensive assessment of emergency room wait times for the prior fiscal year,
8 including the average wait time and the number of complaints submitted to the hospital regarding
9 wait times in the emergency room, and a review of steps taken to reduce the wait time. The
10 assessment shall also include the number of hours the emergency room was on diversion status,
11 broken down by day of the week, and the actual number of emergency diversions for the prior
12 fiscal year;

13 2) A summary of the specific measures that the hospital will take in the current fiscal year to
14 eliminate overcrowding in the emergency room, such as adjusting elective surgery schedules to
15 reduce variability;

16 3) The anticipated impact the plan will have on staffing ratios and, after the first year, the
17 actual impact the plan has had for the previous year;

18 4) A defined set of measures by which to assess the plan's success, such as the number of
19 emergency room diversions, the average wait time to receive emergency services, and/or the
20 percentage of patients in a bed within one hour of arriving in the emergency room.

21 The department shall notify the hospital that the plan has been approved or disapproved within
22 twenty (20) days after filing, based on a determination as to whether the plan adequately
23 addresses the needs of emergency room patients. If said plan has not been acted upon by the
24 department within twenty (20) days, the plan shall be deemed approved. If the department
25 disapproves of said plan, the hospital shall submit a revised plan within twenty (20) days. If the
26 revised plan continues to be disapproved, or if a hospital fails to submit a plan, the commissioner
27 may take any action deemed appropriate.