

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2465 Session of 2024

INTRODUCED BY SHUSTERMAN, VENKAT, HILL-EVANS, PROBST, SAPPEY, PIELLI, HOWARD, ABNEY, HOHENSTEIN, GIRAL, KINSEY, SCHLOSSBERG, KINKEAD, BOROWSKI, SIEGEL, BOYD, HANBIDGE AND OTTEN, JUNE 28, 2024

REFERRED TO COMMITTEE ON HEALTH, JUNE 28, 2024

AN ACT

1 Amending the act of July 19, 1979 (P.L.130, No.48), entitled "An
 2 act relating to health care; prescribing the powers and
 3 duties of the Department of Health; establishing and
 4 providing the powers and duties of the State Health
 5 Coordinating Council, health systems agencies and Health Care
 6 Policy Board in the Department of Health, and State Health
 7 Facility Hearing Board in the Department of Justice;
 8 providing for certification of need of health care providers
 9 and prescribing penalties," in licensing of health care
 10 facilities, further providing for hospital emergency
 11 services.

12 The General Assembly of the Commonwealth of Pennsylvania
 13 hereby enacts as follows:

14 Section 1. The act of July 19, 1979 (P.L.130, No.48), known
 15 as the Health Care Facilities Act, is amended by adding a
 16 section to read:

17 Section 823. Hospital emergency services.

18 (a) Furnishing services.--

19 (1) Except as provided in paragraph (2), a hospital that
 20 is required to be licensed by the department in accordance
 21 with this act and that provides general medical and surgical

1 hospital services shall furnish hospital emergency services
2 to any individual who presents at the hospital or is brought
3 to the hospital by ambulance in case of injury or acute
4 medical condition.

5 (2) A hospital designated under the Medicare program as
6 a long-term acute care hospital, rehabilitation hospital or
7 psychiatric hospital may, but shall not be required to,
8 provide hospital emergency services under this section.

9 (b) Standards.--The hospital emergency services under this
10 section, including stabilization treatment and the treatment of
11 an injury or acute medical condition, shall be furnished in
12 accordance with rules and regulations adopted or promulgated by
13 the department and in accordance with the procedures required
14 under 42 U.S.C. § 1395dd (relating to examination and treatment
15 for emergency medical conditions and women in labor), including
16 medical screening, the provision of necessary stabilizing
17 treatment, procedures for refusals to consent, restricting
18 transfers until the individual is stabilized, appropriate
19 transfers of patients, nondiscrimination, no delay in
20 examination or treatment and whistleblower protections.

21 (c) Definitions.--As used in this section, the following
22 words and phrases shall have the meanings given to them in this
23 subsection unless the context clearly indicates otherwise:

24 "Hospital." As defined in 35 Pa.C.S. § 8103 (relating to
25 definitions).

26 "Injury or acute medical condition." A circumstance that is
27 likely to cause death, severe injury or serious illness,
28 including when a pregnant patient is experiencing complications
29 related to being pregnant, complications of pregnancy loss or
30 risks to future fertility.

1 "Stabilizing treatment." Includes abortion when abortion is
2 necessary to resolve the patient's injury or acute medical
3 condition.

4 Section 2. This act shall take effect in 60 days.