

## Freestanding Emergency Medical Care Facilities, HB 1357

Two classifications based on hours of operation:

- A facility that is in continuous operation 24 hours per day and 7 days per week; and
- A facility that is in operation 7 days per week and at least 12 hours per day.
  - If not open 24/7, cannot be issued a license with a term that extends beyond August 31, 2013.
  - If not open 24/7, signs must indicate whether opened or closed, provide operating hours, and provide clear instructions to a licensed hospital for freestanding facility.
  - If not 24/7, restrictions on the use of the terms “emergency” and “ER”

Rules limit the array of services to only emergency care as defined in the statute, “a facility license authorizes only emergency care services and those procedures that are related to providing emergency care”.

Rules require:

- Governing body;
- One or more physicians on-site at all times; must have emergency experience and ACLS;
- One or more RNs on-site at all times; must have ACLS and PALS;
- An appropriate medical screening examination and stabilization for each patient; if emergency care is determined to be needed, the facility shall provide any necessary stabilizing treatment or arrange an appropriate transfer the individual;
- Laboratory services;
- Pharmacy services - separate licensing class;
- Medical records;
- Infection control program;
- Immediately available radiology services: plain film x-ray, computed tomography (CT) scanning and ultrasound services;
- Reporting to department: abuse and neglect, death of a patient under the care of the facility, patient stay exceeding 23 hours, and 9-1-1 activation;
- Patient transfer policy and a facility transfer agreement with a hospital;
- Responsibility for disaster preparedness and an emergency contingency plan;
- Fire prevention, including alarms and emergency communication systems;
- Construction requirements:
  - Pre-existing facility - prior to adoption of rules. Spatial requirements, alterations to existing facilities, signage, mechanical, engineering, piping, plumbing, and electrical;
  - new facility - accessibility, location, engineering, design and spatial requirements, signage, mechanical, engineering, piping, plumbing, and electrical requirements; and
  - Any construction completed after September 1, 2010 in existing facilities to be in accordance with requirements for new construction;

Proposed rules published in Texas Register <http://www.sos.state.tx.us/texreg/index.shtml>.

Anticipated adopted date: around June 1, 2010. Must have license by September 1, 2010.