

Model legislation

IN THE GENERAL ASSEMBLY STATE OF _____

An Act to Support Physician Supervision of Care in the Emergency Department

Be it enacted by the People of the State of _____, represented in the General Assembly:

Section 1. Title. This act shall be known as and may be cited as the Physician Supervision of Care in the Emergency Department.

Section 2. Purpose. The Legislature hereby finds and declares that:

A. Emergency medical care is a unique form of medicine that requires immediate, lifesaving decision-making to determine a diagnosis and the appropriate treatment without the benefit of a prior relationship with the patient and often without any knowledge of the patient’s medical history.

B. Physicians are uniquely trained for this fast-acting, high-risk decision-making required in the emergency department. Non-physician practitioners do not have the extensive education and training necessary to provide the same level of quality emergency medical care.

C. Non-physician practitioners should not staff emergency departments without an on-duty physician to coordinate emergency care teams.

D. Research shows that physician-led care is higher quality and lower cost than care led by non-physician practitioners.

E. Physician-led team-based care is essential to protect and maintain the public health and safety.

Section 3. Definitions.

A. “Emergency department: means area where health care service is furnished to evaluate, treat, and/or stabilize a condition manifesting itself by acute symptoms of sufficient severity (including severe pain) such that the absence of immediate medical attention could reasonably be expected to

result in placing the individual's health [or the health of an unborn child] in serious jeopardy, serious impairment to bodily functions, or serious dysfunction of bodily organs.

- B. "Hospital" means an institution which is primarily engaged in providing to inpatients, by or under supervision of physicians, diagnostic services and therapeutic services for medical diagnosis, treatment and care of injured, disabled or sick persons, or rehabilitation services for the rehabilitation of injured, disabled or sick persons.
- C. "Onsite" means in-person, physically present in the emergency department where services are provided, immediately available to the individual being supervised, and with continued involvement in appropriate components of care.
- D. "Patient care team" means a multidisciplinary team of health care providers actively functioning as a unit with the management and leadership of one or more patient care team physicians for the purposes of providing and delivering health care to a patient or group of patients.
- E. "Physician" means an M.D. or D.O., actively licensed to practice medicine in the State of _____, who regularly practice medicine in the State of _____, and who provides management and leadership in the care of all patients as part of a patient care team.

Section 4. Requirements. A hospital with an emergency department must have a physician onsite and on duty, who is primarily responsible for the emergency department at all times the emergency department is open.

Section 5. Effective. This Act shall become effective immediately upon being enacted into law.

Section 6. Severability. If any provision of this Act is held by a court to be invalid, such invalidity shall not affect the remaining provisions of this Act, and to this end the provisions of this Act are hereby declared severable.