

## Amendment: 6

### Representative HEWITT proposes the following amendment:

#### Section 117      General Provisos

Add:

**117.heb.** (GP: Hospital Emergency Bed Placement) (A) For the current fiscal year, and notwithstanding any other provision of law or applicable fire or building code, during a justified emergency, a hospital may place patient beds in hallways, corridors, or other means of egress when the on-site emergency department physician determines and documents, within seven calendar days of the start of the justified emergency, on a form developed by the Department of Public Health that:

(1) all other appropriate treatment space in the hospital has been exhausted; and  
(2) the health and safety of patients is jeopardized without the use of patient beds in these areas.

(B) The form required pursuant to item (A) shall include, but not be limited to:

(1) the beginning date and time of the justified emergency;  
(2) the ending date and time of the justified emergency;  
(3) the nature of the justified emergency as described in item (A);  
(4) an indication that all other appropriate treatment space in the hospital has been exhausted;  
(5) an indication that the health and safety of patients is at increased risk without the use of patient beds in hallways, corridors, or other means of egress; and  
(6) the signature of the emergency department physician on site at the onset of the justified emergency.

(C) Hospitals shall maintain records required pursuant to item (B) and shall provide copies of the form described in item (B) no less than quarterly to the Department of Public Health documenting each instance in which a justified emergency has been determined and patient beds have been used in hallways, corridors, or other means of egress.

(D) When not in use for the care and treatment of patients during a justified emergency, hospitals shall remove any beds from hallways, corridors, or means of egress.

(E) To provide for the safety of hospital staff, patients, and visitors during a justified emergency, hospitals shall maintain a clear pathway in hallways, corridors, and means of egress and shall not block exits. Hospitals shall not erect or construct partitions or structures that obstruct the building's fire protection systems, including automatic sprinkler systems or fire alarm and detection system components.

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(F) Hospitals shall develop written protocols governing justified emergency conditions and shall require all employees responsible for the care or treatment of patients to familiarize themselves with these protocols.

(G) The Department of Labor, Licensing and Regulation may promulgate emergency regulations or issue interpretive guidance as necessary to implement this provision. The Department of Public Health shall monitor compliance and take enforcement action as authorized by law.

(H)(1) For purposes of this provision, a “justified emergency” means any of the following:

(a) a declared state of emergency;

(b) a natural or manmade disaster;

(c) a mass transit accident;

(d) an industrial or construction accident;

(e) a chemical, biological, radiological, or nuclear event;

(f) an act of crowd, spree, or terrorist violence resulting in injuries;

(g) an acute outbreak of contagious or infectious disease; or

(h) the exhaustion of all available treatment space in an emergency department due to the number of patients being treated at that time.

(2) “Hospital” means a facility that is organized and administered to provide overnight medical or surgical care or nursing care for an illness, injury, or infirmity and must provide on-campus emergency services; that may provide obstetrical care; and in which all diagnoses, treatment, or care is administered by or under the direction of persons currently licensed to practice medicine, surgery, or osteopathy. This shall include all hospitals that convert to Rural Emergency Hospitals pursuant to 42 CFR Part 485 Subpart E and Section 125 of the Consolidated Appropriations Act of 2021.

(3) “Hallways,” “Corridors,” and other “Means of egress” shall have the same definitions as provided in the codes and standards in effect at the time of the incident, as identified in Section 1-34-20 and adopted by the Building Codes Council pursuant to Title 6, Chapter 9.