

105TH CONGRESS  
2D SESSION

# H. R. 3937

To amend title XVIII of the Social Security Act to bar hospital limitations on emergency room workers treating emergency cases in immediate vicinity of emergency room entrance.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 21, 1998

Mr. RUSH introduced the following bill; which was referred to the Committee on Ways and Means

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## A BILL

To amend title XVIII of the Social Security Act to bar hospital limitations on emergency room workers treating emergency cases in immediate vicinity of emergency room entrance.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Christopher Sercye  
5 Emergency Hospital Care Zone Act of 1998”.

1 **SEC. 2. BARRING HOSPITAL LIMITATIONS ON EMERGENCY**  
2 **ROOM WORKERS TREATING EMERGENCY**  
3 **CASES IN IMMEDIATE VICINITY OF EMER-**  
4 **GENCY ROOM ENTRANCE.**

5 (a) IN GENERAL.—Section 1867 of the Social Secu-  
6 rity Act (42 U.S.C. 1395dd) is amended by adding at the  
7 end the following new subsection:

8 “(j) TREATMENT OF EMERGENCY CASES IN VICINITY  
9 OF HOSPITAL.—

10 “(1) IN GENERAL.—A participating hospital de-  
11 scribed in subsection (a)(1) may not establish, main-  
12 tain, or enforce a policy that prohibits personnel in  
13 the emergency department from leaving the depart-  
14 ment to examine and treat an individual described in  
15 paragraph (2) if—

16 “(A) there are no non-hospital paramedics  
17 or emergency medical technicians available at  
18 that time and place for such examination and  
19 treatment, and

20 “(B) the provision of such assistance by  
21 personnel in such department would not reason-  
22 ably endanger the lives or health of such per-  
23 sonnel to a greater extent than if the examina-  
24 tion and assistance were provided in the emer-  
25 gency department.

1           “(2) INDIVIDUAL DESCRIBED.—An individual  
2 described in this paragraph with respect to a hos-  
3 pital is an individual who—

4                   “(A) has an emergency medical condition,

5                   “(B) is located outside (but in the imme-  
6 diate vicinity of) the main entrance to the emer-  
7 gency department of the hospital, and

8                   “(C) is not sufficiently mobile to get to  
9 such entrance without assistance.

10           “(3) IMMEDIATE VICINITY DEFINED.—For pur-  
11 poses of this subsection, the term ‘immediate vicin-  
12 ity’ means within 150 feet or such other reasonable  
13 distance as the Secretary may specify.”.

14           (b) REFERENCE TO ENFORCEMENT PROVISIONS.—  
15 For provisions of law—

16                   (1) requiring compliance with the requirements  
17 of section 1867 of the Social Security Act, including  
18 the requirement imposed by the amendment made by  
19 subsection (a), as a condition of medicare participa-  
20 tion, see section 1866(a)(1)(I)(i) of such Act (42  
21 U.S.C. 1395cc(a)(1)(I)(i)); and

22                   (2) imposing sanctions (including civil monetary  
23 penalties and private causes of action) for violations  
24 of such requirements, see section 1867(d) of such  
25 Act (42 U.S.C. 1395dd(d)) .

1       (c) EFFECTIVE DATE.—The amendment made by  
2 subsection (a) shall apply to hospitals as of a date that  
3 is 30 days after the date of the enactment of this Act.

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