

CORRECTED COPY AS OF 7/8/2003

**Intro. Res. No. 1143-2003
2/11/2003**

Laid on Table

Introduced by Legislator Foley

**RESOLUTION NO. -2003,
ADOPTING LOCAL LAW NO. -
2003, A LOCAL LAW TO
ESTABLISH HOSPITAL REPORTING
POLICY FOR INDIGENT CARE IN
SUFFOLK COUNTY**

WHEREAS, there was duly presented and introduced to this County Legislature at a regular meeting held on ,2003 a proposed local law entitled, "**A LOCAL LAW TO ESTABLISH HOSPITAL REPORTING POLICY FOR INDIGENT CARE IN SUFFOLK COUNTY**," and said local law in final form is the same as when presented and introduced; now, therefore, be it

RESOLVED, that said local law be enacted in form as follows:

LOCAL LAW NO. -2003, SUFFOLK COUNTY, NEW YORK

**A LOCAL LAW TO ESTABLISH HOSPITAL
REPORTING POLICY FOR INDIGENT CARE IN
SUFFOLK COUNTY**

**BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE
COUNTY OF SUFFOLK**, as follows:

Section 1. Legislative Intent.

This Legislature hereby finds and determines that there is a need for better accountability and notification of charity care provided to indigent persons by hospitals located within the County of Suffolk.

This Legislature also finds and determines that Article IX of the SUFFOLK COUNTY ADMINISTRATIVE CODE authorizes the County Department of Health Services to formulate, promulgate, adopt and publish rules, regulations, orders and directions for the security of life and health in the County.

This Legislature further finds and determines that the importance of providing charity medical care to indigent persons who would otherwise be left untreated cannot be measured in dollars and cents alone but in the lives of human beings saved or whose health is protected.

This Legislature determines that it is essential that, on an

ongoing basis, the Suffolk County Department of Health Services evaluate the need for charity care in the County and the level of care that is being provided to indigent persons by hospitals within Suffolk County.

This Legislature further determines that, in order for the county to be able to monitor this care, the County of Suffolk needs information from hospitals with regard to their policies on the availability, accessibility, and criteria for providing charity care.

This Legislature further finds that in order to maximize access to charity care within the community and to enhance the health of the public by informing individuals of the availability of charity care, it shall be the policy of the County of Suffolk that each hospital notify every patient of its charity care policy, said notices to include visually, and in written form, prominent multi-lingual postings explaining the hospital's policy on charity care and that it shall also be the policy of the County of Suffolk to encourage hospitals, when practicable, to verbally notify patients at the time of admission as to the availability of charity care and the process for applying or qualifying for such care.

Therefore, the purpose of this law is to require all hospitals located within the County of Suffolk to inform the public as to the availability of charity care in the County and the process to access such care as is being provided to indigent persons by hospitals within Suffolk County.

Section 2. Definitions.

As used in this law, the following terms shall have the meanings indicated:

- A.) "Bad Debt" shall mean the unpaid accounts of any person who has received medical care or is financially responsible for the cost of care provided to another, where such person has the ability to pay but is unwilling to pay.
- B.) "Charity Care" shall mean emergency, inpatient, or outpatient medical care, including ancillary services, provided to indigent persons.
- C.) "Cost" shall mean the actual amount of money a hospital spends to provide each service, but not the full list price charged by the hospital for that service.
- D.) "Department" shall mean the Suffolk County Department of Health Services.
- E.) "Commissioner" shall mean the Commissioner of the

Suffolk County Department of Health Services.

- F.) "Hospital" shall include every entity located within Suffolk County licensed as a general acute care hospital, as defined by Section 2801 of the NEW YORK PUBLIC HEALTH LAW.
- G.) "Policies" shall mean the hospital's criteria and procedures on the provision of charity care including any criteria and procedures for patient and community notification of charity care availability, the application or eligibility process, the criteria for determinations on eligibility for charity care and the appeal process on such determinations.
- H.) "Cost-to-Charge" shall mean the relationship between the hospital's cost of providing services and the charge assessed by the hospital for the service.
- I.) "Indigent Person" shall mean a person who is uninsured, and for whom no third party insurance coverage or insurance program is available, and who is determined after a needs assessment by the health care provider, to have exhausted all reasonable means of payment so that there is no expectation of reimbursement.

Section 3. Amendment.

- Article IX of the SUFFOLK COUNTY ADMINISTRATIVE CODE is hereby amended by the addition of new Sections 9-7 and 9-8 to read as follows:

Section 9-7. Notification.

- A.) During the admission process, whenever practicable, hospitals located within the County of Suffolk shall provide patients with verbal and written notification as to the hospital's policies describing the availability of charity care and any process necessary to apply for charity care. Reasonable efforts shall be made to notify patients as to determination on such application.
- B.) Any hospital located within the County of Suffolk shall post multilingual notices as to any policies on charity care in several prominent locations within the hospital including, but not limited to, the emergency department, billing office, waiting rooms for purposes of admissions, the outpatient area, and the inpatient area. Said notices shall be published in at least the following languages – English and Spanish;

and shall be clearly visible to the public from the location at which they are posted.

- C.) Any hospital located within the County of Suffolk shall submit a copy of its written policy regarding the indigent care provided at said hospital, including copies of the signage and written information brochures made available to the public, to the Department on December 31 of each year covering the upcoming calendar year.

Section 9-8. Enforcement.

- A.) The Suffolk County Department of Health Services shall maintain a telephone line to receive complaints by patients in connection with alleged violations of the provisions of this law. Such complaints shall be forwarded to the New York State Department of Health.
- B.) The Department shall cause to be posted on the County website a list of hospitals that have failed to comply with this law. Once in compliance, such hospitals shall be removed from the website.
- C.) Compliance with the provisions of Section 9-7 of this law shall be a condition precedent to receipt and continuing receipt of payments from the County of Suffolk, either directly or as a conduit for payment from another level of government.

Section 4. Rules and Regulations.

The Department shall promulgate such rules and regulations as it deems necessary and appropriate for the implementation and enforcement of any provisions of this law.

Section 5. Applicability.

- This law shall apply to all actions occurring on or after the effective date of this law.

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Section 6. Severability.

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If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of

competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 7. SEQRA Determination.

- This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(20), (21), and (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection. The Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

Section 8. Effective Date.

- This law shall take effect immediately upon filing in the Office of the Secretary of State.

[] Brackets denote deletion of existing language.
___ Underlining denotes addition of new language.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date of Approval: