

961599200

**HOUSE BILL NO. 752**

Offered January 22, 1996

*A BILL to amend the Code of Virginia by adding in Chapter 29 of Title 54.1 an article numbered 6.1, consisting of sections numbered 54.1-2973.1 through 54.1-2973.5, relating to the Emergency Medical Services Patient Protection Act.*

---

Patron—DeBoer

---

Referred to Committee on Health, Welfare and Institutions

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding in Chapter 29 of Title 54.1 an article numbered 6.1, consisting of sections numbered 54.1-2973.1 through 54.1-2973.5 as follows:**

*Article 6.1.**Emergency Medical Services Patient Protection Act.**§ 54.1-2973.1. Medical screening, examination, and treatment required.*

*Any physician of whom a screening, examination, or treatment for a medical condition is requested by or on behalf of a person shall provide for an appropriate medical screening, examination, or treatment of the person within the scope of his professional practice, including ancillary services routinely available at the physician's site of practice to determine whether or not an emergency condition exists.*

*§ 54.1-2973.2. Emergency medical conditions; labor; transfer for medical care.*

*In any case when a physician determines that a person who has requested a medical screening, examination, or treatment has an emergency condition, the physician shall provide for other appropriate medical screening, examination, or treatment at the nearest appropriate health care institution or medical facility equipped to render appropriate medical care or treatment to stabilize the person's medical condition, or, in the case when a woman presents in labor, the physician shall provide for the woman's transfer to a health care institution or medical facility for delivery and other necessary medical care.*

*§ 54.1-2973.3. Patient consent to treatment and transfer refused; conditions restricting transfers; civil immunity.*

*A. In any case when a physician offers to provide a medical screening, examination, or treatment as required in § 54.1-2973.1, or other medical screening, examination, or treatment as provided in § 54.1-2973.2, or to transfer the person to another health care institution or medical facility for other appropriate medical screening, examination, or treatment in accordance with § 54.1-2973.2, and the physician has informed the person or his representative of the benefits and risks to the person of such medical screening, examination, treatment, or transfer, and the person or his representative refuses such medical screening, examination, treatment, or transfer, the physician shall be deemed to have met the provisions of this article and shall not be liable for civil damages resulting from the person's or his representative's refusal to receive medical care or transfer. The physician shall make such reasonable efforts under the particular circumstances to secure the person's or his representative's written informed consent of the refusal to receive medical care or treatment.*

*B. If a physician determines that a person has an emergency medical condition which has not been stabilized, the physician shall not transfer the person to another health care institution or medical facility as provided in § 54.1-2973.2 unless (i) the person or his representative, after having been informed by the physician of his duties under this article, and of the risks of transfer, in writing requests a transfer to another health care institution or medical facility, or (ii) the physician determines, in his professional judgment and given the status of the person's medical condition and any information available to him at the time, that the risks of transferring the person to another health care institution or medical facility contraindicate the medical benefits reasonably expected from the transfer, or (iii) in the case of a woman who presents in labor, the physician determines that the transfer to another health care institution or medical facility would substantially increase the risks to the fetus.*

*§ 54.1-2973.4. Delay in examination or treatment prohibited.*

*A physician shall not delay the rendering of appropriate medical screening, examination, treatment, or transfer required in this article to inquire about the person's ability to pay for medical care, or the method of payment, or whether the person is insured.*

*§ 54.1-2973.5. Penalties.*

*Any physician who violates any provision of this article shall be subject to disciplinary action by the Board as provided in § 54.1-2401, and a monetary penalty imposed for the violation, which shall not*

INTRODUCED

HB752

**60** *exceed \$5,000 for each violation.*