

The Commonwealth of Massachusetts

In the One Hundred and Ninety-First General Court
(2019-2020)

By striking out all after the enacting clause and inserting in place thereof the following:—

1 SECTION 1. Chapter 17 of the General Laws is hereby amended by the adding the
2 following section:-

3 Section 21. The department of public health shall promulgate regulations relative to
4 patient access to hospital emergency rooms or departments that would require all hospitals in the
5 commonwealth to meet minimum criteria and standards that ensure safe, timely and accessible
6 patient access to hospital emergency rooms or departments at all times. The regulations shall
7 include, but not be limited to: (i) criteria and standards related to: (A) legible indoor and outdoor
8 signage; (B) indoor and outdoor lighting; (C) best-practice wayfinding signage; and (D) security
9 and monitoring of all emergency department access points; (ii) minimum requirements for proper
10 security monitoring of any prominent hospital door or entrance that is locked at night and
11 through which a patient may try to enter; and (iii) any other safety feature that the department
12 deems necessary to ensure daytime or nighttime entry to an emergency room or department.

13 In promulgating the regulations, the department shall: (i) ensure that all patients,
14 including patients at all levels of physical, sensory and brain-based function, are able to access
15 hospital emergency rooms or departments; and (ii) consider the most-current published industry

16 standards and best practices, including, but not limited to, standards under the federal Americans
17 with Disabilities Act, local codes, regulations, including regulations promulgated by the
18 architectural access board, and any guidance or resources from the Facility Guidelines Institute
19 Inc. and the International Association for Healthcare Security and Safety.

20 SECTION 2. The department of public health shall convene a working group on patient
21 access to hospital emergency rooms or departments to report on and to make recommendations
22 to inform the regulations required pursuant to section 21 of chapter 17 of the General Laws. The
23 working group shall submit its report, including any recommendations, to the clerks of the senate
24 and the house of representatives, the house and senate committees on ways and means, the joint
25 committee on public health and the department of public health not more than 180 days after the
26 termination of the governor's March 10, 2020 declaration of a state of emergency.

27 SECTION 3. The department of public health shall promulgate the regulations required
28 pursuant to section 21 of chapter 17 of the General Laws not more than 1 year after the
29 termination of the governor's March 10, 2020 declaration of a state of emergency. The
30 regulations shall be informed by the report and recommendations of the working group on
31 patient access to hospital emergency rooms or departments established pursuant to section 2.