



Office of the Mayor

CONSENT CALENDAR

March 10, 2020

To: Honorable Members of the City Council

From: Mayor Jesse Arreguín, Councilmembers Kate Harrison, Sophie Hahn, and Lori Droste

Subject: Support AB 2037 – Hospital Closure Notification

RECOMMENDATION

Adopt a Resolution in support of AB 2037, which will require hospitals to provide a 180 day notice before closing or reducing emergency services. Send a copy of the Resolution to Assemblymember Buffy Wicks, State Senator Nancy Skinner, and Governor Gavin Newsom.

BACKGROUND

California has seen a spike in the number of emergency department visits, despite a lack of growth in the creation of new departments. Between 2006 and 2016, the number of emergency department visits increased from 10.1 million annually to 14.6 million, an increase of 44.6%. During the same time period, the number of emergency departments in the state shrank from 337 to 334. However, the number of treatment stations in these departments has grown by 30%, showing that existing hospitals have been strained to take in significantly more patients.

Hospital closures create increased risks to the health and safety of residents of impacted areas, and place significant burdens on neighboring hospitals. When Doctors Medical Center in San Pablo closed in 2015, the number of ambulance transports in West Contra Costa County that went to the Kaiser Richmond Emergency Department increased from 31% to 52%. Berkeley's Alta Bates saw a 123% increase in ambulance transports from West Contra Costa between 2014 and 2016. It also saw a 39% increase in total patients from that area between 2013 and 2016. With Sutter Health announcing their intentions to close Alta Bates hospital by 2030, the impacts along the I-80 corridor could cripple the region's healthcare infrastructure.

Under current law, hospitals that provide emergency medical services must provide at least 90 days' notice prior to an elimination or reduction of emergency services and 30 days for closing of facilities and eliminating or relocating supplemental services (defined as an organized inpatient or outpatient service which is not required to be provided by law or regulation). The brevity of this timeline can prove dangerous to residents in the service areas of hospitals that are closing or reducing services, with neighboring hospitals unable to gather the resources needed to handle an inevitable uptick in patients.

AB 2037, introduced by Assemblymember Buffy Wicks, would increase the notice to 180 days for elimination of reduction of emergency services and closing of facilities, and 90 days eliminating or relocating supplemental services. Additional notices and postings would also be required, including written notice to the city council of the city where the health facility is located, notices posted on the health facility's website, the entrance of every community clinic within the affected county in which the health facility is located that grants voluntary permission for posting, and publications in local newspapers.

The Berkeley City Council has taken action in the past on similar bills. In May 2018, Council approved a letter in support of AB 2874, which also would have placed a 180 day notice on closures, in addition to getting written consent from the State Attorney General before closing. That bill was unable to pass the Assembly. In April 2017, Council adopted Resolution No. 67,930–N.S., in support of SB 687, which would have given the Attorney General the authority to oversee and consent to the sale/closure of non-profit hospitals. While that bill was approved by the state legislature, it was vetoed by then-Governor Jerry Brown.

FINANCIAL IMPLICATIONS

None

ENVIRONMENTAL SUSTAINABILITY

Not applicable

CONTACT PERSON

Mayor Jesse Arreguín      510-981-7100

Attachments:

- 1: Resolution
- 2: Text of AB 2037

RESOLUTION NO. ##,###-N.S.

IN SUPPORT OF AB 2037

WHEREAS, California has seen a 44.6% spike in patients visiting emergency departments between 2006 and 2016, while at the same time the number of emergency departments in the state has decreased from 337 to 334; and

WHEREAS, hospital closures create increased risks to the health and safety of residents of impacted areas, and place significant burdens on neighboring hospitals; and

WHEREAS, the closure of Doctors Medical Center in San Pablo in 2015 had a ripple effect on neighboring hospitals, with Kaiser's Richmond Medical Center taking on an additional 21% of ambulance transports in West Contra Costa County and Alta Bates seeing a 123% increase in ambulance transports and 39% increase in total patients from that area; and

WHEREAS, Sutter Health has announced their intentions to close Alta Bates hospital by 2030, which could significantly impact health infrastructure along the I-80 corridor; and

WHEREAS, under current law, hospitals that provide emergency medical services must provide at least 90 days' notice prior to an elimination or reduction of emergency services and 30 days for closing of facilities and eliminating or relocating supplemental services; and

WHEREAS, such short notices can prove dangerous to residents in the service areas of hospitals that are closing or reducing services, with neighboring hospitals unable to gather the resources needed to handle an inevitable uptick in patients; and

WHEREAS, AB 2037, introduced by Assemblymember Buffy Wicks, would increase the notice to 180 days for elimination or reduction of emergency services and closing of facilities, and 90 days eliminating or relocating supplemental services; and

WHEREAS, the bill would also require additional notifications and postings, including to the city council of the city the healthcare facility is located, the health facility's website, the entrance of every community clinic within the affected county that grants voluntary permission for posting, and local newspapers; and

WHEREAS, the Berkeley City Council has expressed support for similar bills in the past that ultimately did not become law, including AB 2874, which also would have placed a 180 day notice on closures, in addition to getting written consent from the State Attorney General before closing, and SB 687, which would have given the Attorney General the authority to oversee and consent to the sale/closure of non-profit hospitals.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that it hereby supports AB 2037.

BE IT FURTHER RESOLVED that copies of this Resolution be sent to Assemblymember Buffy Wicks, State Senator Nancy Skinner, and Governor Gavin Newsom.