

### AB 40 – Hospital Compliance Checklist

- All hospitals with emergency departments (EDs) are required to submit an offload time reduction protocol — regardless of whether they experience ambulance patient offload time (APOT) challenges.
- All protocols are due to the Emergency Medical Services Authority (EMSA) by Sept. 1, 2024, and hospitals shall report revisions annually. These will need to be submitted electronically to [APOT@emsa.ca.gov](mailto:APOT@emsa.ca.gov).
- Section 1797.120.6 [of AB 40](#) lists requirements for developing the protocol, including:
  1. Notification of hospital staff when APOT standard is exceeded.
  2. Mechanisms to improve hospital throughput with some (not required) suggestions, including activating surge plans, improving triage, adding additional staffing, etc.
  3. Systems to improve coordination with EDs, including consults for ED patients (in other words, ensuring patients have appropriate referrals by specialists and other medical staff to move onto their next level of care)
  4. Direct operational changes to rapidly reduce APOTs.
- Section 1797.120.6 also states that the hospital shall develop its protocol in consultation with ED staff and its “exclusive employee representatives, if any.” Even if employee representatives are not interested in joining, it is recommended to record a paper trail of invitations to join. It is important to ensure engagement takes place during development and not after you have completed your work.
- As mentioned in the 30-minute California Hospital Association [recorded webinar](#), a best practice is to incorporate this new requirement into existing surge plans or other similar plans addressing excess capacity. It is recommended to make this an addendum to that plan — only the addendum or section pertaining to your APOT protocol should be submitted to EMSA.
- To avoid confusion, another best practice is to include “protocol” in the title of your submission document.
- This protocol does not require you to create processes beyond what is *required in the law*. Take caution in making commitments in your protocol as you may be held to them by other stakeholders and enforcement entities.