WEST virginia legislature

2023 regular session

Committee Substitute

for

House Bill 2993

By Delegates Summers and Tully

[Originating in the Committee on Health and Human Resources; Reported on February 9, 2023]

A BILL to amend and reenact §16-5B-14 of the Code of West Virginia, 1931, as amended, relating to rural emergency hospital licensure; defining terms; setting forth licensure standards; permitting a rural emergency hospital to perform certain functions; and providing rulemaking authority.

Be it enacted by the Legislature of West Virginia:

ARTICLE 5B. HOSPITALS AND SIMILAR INSTITUTIONS.

§16-5B-14. Rural Emergency Hospital Licensure Act.

(a) The following terms are defined:

"Critical Access Hospital" means a hospital that has been deemed eligible and received designation as a critical access hospital by the Centers for Medicare and Medicaid Services (CMS).

"Rural Emergency Hospital" means a facility that:

(1) Was a critical access hospital;

(2) Does not provide acute care inpatient services; and

(3) Provides, at a minimum, rural emergency hospital services.

"Rural Emergency Hospital Services" means emergency department services and observation care furnished by a rural emergency hospital that does not exceed an annual per patient average of 24 hours in such rural emergency hospital.

"Staffed Emergency Department" means an emergency department of a rural emergency hospital that meets the following requirements:

(1) The emergency department is staffed 24 hours a day, 7 days a week; and

(2) A licensed physician, advanced practice registered nurse, clinical nurse specialist, or physician assistant is available to furnish rural emergency hospital services in the facility 24 hours a day.

~~A hospital located in an urban area (Metropolitan Statistical Areas (MSA) county), can be considered rural for the purposes of a designation as a critical access hospital pursuant to 42 U.S.C. §1395i-4(c)(2) if it meets the following criteria:~~

~~(1) Is enrolled as both a Medicaid and Medicare provider and accepts assignment for all Medicaid and Medicare patients;~~

~~(2) Provides emergency health care services to indigent patients;~~

~~(3) Maintains 24-hour emergency services; and~~

~~(4) Is located in a county that has a rural population of 50 percent or greater as determined by the most recent United States decennial census~~

(b) A critical access hospital ~~designated pursuant to this section~~ may apply to be ~~designated~~ licensed as a ~~community outpatient medical center~~ rural emergency hospital if:

(1) It has been designated as a critical access hospital for at least one year; and

(2) It is designated as a critical access hospital at the time of application for licensure as ~~to convert to~~ a ~~community outpatient medical center~~ rural emergency hospital.

(c) In addition to the requirements of subsection (b) of this section, a ~~community outpatient medical center~~ rural emergency hospital shall, at a minimum:

(1) Provide ~~emergency medical care and observation care 24 hours a day, seven days a week;~~ rural emergency hospital services through a staffed emergency department;

(2) Treat all patients regardless of insurance status; and

(3) Have ~~protocols in place for the timely transfer of patients who require a higher level of care~~ in effect a transfer agreement with a Level I or Level II trauma center.

(d) A rural emergency hospital may:

(1) With respect to services furnished on an outpatient basis, provide other medical and health services as specified by the Secretary through rulemaking; and

(2) Include a unit of a facility that is a distinct part licensed as a skilled nursing facility to furnish post-hospital extended care services.

~~(d)~~ (e) The department ~~of Health and Human Resources~~ shall propose a ~~new~~ rule for legislative approval in accordance with the provisions of §29A-3-1 *et seq.* of this code, to implement the provisions of this section.

NOTE: The purpose of this bill is to license rural emergency hospitals.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.