

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]

1 A BILL to amend and reenact §16-5B-14 of the Code of West Virginia, 1931, as amended, relating
2 to rural emergency hospital licensure; defining terms; setting forth licensure standards;
3 permitting a rural emergency hospital to perform certain functions; and providing
4 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.

1 (a) The following terms are defined:

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

5 "Rural Emergency Hospital" means a facility that:

6 (1) Was a critical access hospital;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

39 ~~(d) A rural emergency hospital may:~~

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

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

44 (d) (e) The department of ~~Health and Human Resources~~ shall propose a new rule for
45 legislative approval in accordance with the provisions of §29A-3-1 *et seq.* of this code, to
46 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.