

# **WEST VIRGINIA LEGISLATURE**

**2018 REGULAR SESSION**

**Committee Substitute**

**for**

**Senate Bill 510**

BY SENATORS MAYNARD, TAKUBO, STOLLINGS, CLINE,

BOSO, AND PLYMALE

[Originating in the Committee on Health and Human

Resources; Reported on February 14, 2018]



1 A BILL to amend and reenact §16-5B-18 of the Code of West Virginia, 1931, as amended, relating  
2 to designation of hospitals for stroke treatment; adding a designation as a thrombectomy-  
3 capable stroke center; modifying the makeup of the advisory committee; requiring  
4 approval of legislative rules by the advisory committee prior to filing; providing for a  
5 database; and prohibiting certain inspections of hospitals conducted by the Department of  
6 Health and Human Resources.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 5B. HOSPITALS AND SIMILAR INSTITUTIONS.**

**§16-5B-18. Designation of comprehensive, primary, ~~and acute~~, and thrombectomy-capable stroke-ready hospitals; reporting requirements; rulemaking.**

1 (a) A hospital, as that term is defined in ~~section one of this article~~ §16-5B-1 of this code,  
2 ~~may apply to~~ shall be designated by the Department of Health and Human Resources ~~to be~~  
3 ~~recognized and certified~~ as a comprehensive stroke center, a primary stroke center, ~~or~~ an acute  
4 stroke-ready hospital, or thrombectomy-capable stroke center upon submitting verification of  
5 certification as granted by the American Heart Association, the joint commission, or other  
6 nationally recognized organization. A hospital shall immediately notify the Department of Health  
7 and Human Resources of any change in its certification status. ~~The appropriate designation shall~~  
8 ~~be granted by the Department of Health and Human Resources based upon criteria recognized~~  
9 ~~by the American Heart Association, the Joint Commission or other nationally recognized~~  
10 ~~organization as set forth in legislative rules as provided in subsection (d) of this section.~~

11 (b) The Department of Health and Human Resources shall gain access to, and utilize, a  
12 nationally recognized stroke database that compiles information and statistics on stroke care that  
13 align with the stroke consensus metrics developed and approved by the American Heart  
14 Association and the American Stroke Association, for the purpose of improving stroke care and  
15 access across the State of West Virginia. The Department of Health and Human Resources shall,  
16 upon request, provide the data accessed and utilized with the advisory committee in §16-5B-18  
17 (f) of this code.

18           ~~(b)~~ (c) The Department of Health and Human Resources shall provide annually, by June  
19 1, a list of all hospitals they have designated pursuant to the provisions of ~~subsection (a) of this~~  
20 ~~section §16-5B-18(a) of this code~~ to the medical director of each licensed emergency medical  
21 service agency in this state. This list shall be maintained by the Department of Health and Human  
22 Resources and shall be updated annually on its website.

23           ~~(c)~~ (d) The Secretary of the Department of Health and Human Resources shall establish  
24 by legislative rule, as set forth in ~~subsection (d) of this section §16-5B-18(g) of this code,~~  
25 prehospital care protocols related to assessment, treatment, and transport of patients identified  
26 as stroke patients. These protocols shall be applicable to all emergency medical service  
27 agencies, as defined in §16-4C-3 of this code. These protocols shall include development and  
28 implementation of plans for the triage and transport within specified time frames of onset of  
29 symptoms of acute stroke patients to the nearest comprehensive, thrombectomy-capable stroke  
30 center, primary, or acute stroke ready hospital.

31           ~~(d)~~ (e) The Secretary of the Department of Health and Human Resources shall propose  
32 rules for legislative approval in accordance with the provisions of §29A-3-1 *et seq.* of this code to  
33 accomplish the goals of this section. These rules shall be proposed after consultation with and  
34 approval by an advisory committee selected by the Secretary of the Department of Health and  
35 Human Resources.

36           (f) The advisory committee as set forth in §16-5B-18(d) of this code shall consist of no  
37 more than 14 members. Membership on the advisory committee shall consist of:

38           (1) A representative of the Department of Health and Human Resources;

39           (2) A representative of an association with the primary purpose of promoting better heart  
40 health;

41           (3) A registered emergency medical technician; ~~hospitals located in rural areas of the state~~  
42 ~~and hospitals located in urban areas of this state~~

43           (4) Either an administrator or physician representing a critical access hospital;

44 (5) Either an administrator or physician representing a teaching or academic hospital;

45 (6) A representative of an association with the primary purpose of representing the  
46 interests of all hospitals throughout the state; and

47 (7) A clinical and administrative representative of hospitals from each level of stroke center  
48 certification by a national certifying body (CSC, TSC, PSC, and ASRH).

49 (g) These rules shall include:

50 (1) ~~An application~~ A process to designate hospitals who have been certified as a stroke  
51 center by a national certifying body;

52 ~~(2) The criteria for designation and certification as a comprehensive stroke center, a~~  
53 ~~primary stroke center or an acute stroke ready center or, an acute stroke ready center;~~

54 ~~(3)~~ (2) A means for providing a list of designated hospitals to emergency medical service  
55 agencies;

56 ~~(4)~~ (3) Protocols for assessment, treatment, and transport of stroke patients by licensed  
57 emergency medical service agencies; ~~and,~~

58 ~~(5) Any other requirements necessary to accomplish the intent of this section.~~

59 (h) Nothing in this section may permit the Department of Health and Human Resources to  
60 conduct inspections of hospitals in relation to recognition as a stroke center as set forth in this  
61 section: *Provided*, That nothing in this section may preclude inspections of hospitals by the  
62 Department of Health and Human Resources which are otherwise authorized by this code.