

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

Introduced

Senate Bill 593

BY SENATORS MARONEY, STOLLINGS, AND BOSO

[Introduced February 13, 2019; Referred
to the Committee on Health and Human Resources]

1 A BILL to amend and reenact §16-5B-14 of the Code of West Virginia, 1931, as amended, relating
2 to permitting a critical access hospital to become a community outpatient medical center;
3 establishing certain conditions and requirements; and providing for rule-making authority.

Be it enacted by the Legislature of West Virginia:

ARTICLE 5B. HOSPITALS AND SIMILAR INSTITUTIONS.

§16-5B-14. The Critical Access Hospital Designation Act.

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

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

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

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

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

10 (b) A critical access hospital designated pursuant to this section may apply to be
11 designated as a community outpatient medical center if:

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

13 (2) It is designated as a critical access hospital at the time of application to convert to a
14 community outpatient medical center.

15 (c) In addition to the requirements of subsection (b) of this section, a community outpatient
16 medical center shall, at a minimum:

17 (1) Provide emergency medical care and observation care 24 hours a day, seven days a
18 week;

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

20 (3) Have protocols in place for the timely transfer of patients who require a higher level of
21 care.

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

NOTE: The purpose of this bill is to permit a critical access hospital to become a community outpatient medical center; establishing certain conditions and requirements; and providing for rule-making authority.

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