

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

House Bill 2993

By Delegates Summers and Tully

[Introduced January 24, 2023; 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 rural emergency hospital licensure.

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, nurse practitioner, clinical nurse specialist, or physician assistant
16 is available to furnish rural emergency hospital services in the facility 24 hours a day.

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

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

- 22 ~~(2) Provides emergency health care services to indigent patients;~~
- 23 ~~(3) Maintains 24-hour emergency services; and~~
- 24 ~~(4) Is located in a county that has a rural population of 50 percent or greater as determined~~
- 25 ~~by the most recent United States decennial census~~

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

- 28 (1) It has been designated as a critical access hospital for at least one year; and
- 29 (2) It is designated as a critical access hospital at the time of application for licensure as to
 30 ~~convert to a community outpatient medical center~~ rural emergency hospital.

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

- 33 (1) Provide ~~emergency medical care and observation care 24 hours a day, seven days a~~
 34 ~~week;~~ rural emergency hospital services through a staffed emergency department;
- 35 (2) Treat all patients regardless of insurance status; and
- 36 (3) Have ~~protocols in place for the timely transfer of patients who require a higher level of~~
 37 ~~care~~ in effect a transfer agreement with a Level I or Level II trauma center.

38 (d) A rural emergency hospital may:

- 39 (1) With respect to services furnished on an outpatient basis, provide other medical and
 40 health services as specified by the Secretary through rulemaking; and
- 41 (2) Include a unit of a facility that is a distinct part licensed as a skilled nursing facility to
 42 furnish post-hospital extended care services.

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