

# **WEST VIRGINIA LEGISLATURE**

## **2019 REGULAR SESSION**

**Introduced**

### **House Bill 2953**

BY DELEGATE SUMMERS AND HILL

[Introduced February 11, 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, relating to permitting  
 2 a critical access hospital to become a community outpatient medical center; establishing  
 3 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.