

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

ENROLLED

Committee Substitute

for

House Bill 2993

BY DELEGATES SUMMERS AND TULLY

[Passed March 2, 2023; in effect ninety days from

passage.]

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

Be it enacted by the Legislature of West Virginia:

ARTICLE 5B. HOSPITALS AND SIMILAR INSTITUTIONS.

§16-5B-14. Rural Emergency Hospital Act.

1 (a) Definitions – As used in this section:

2 (1) "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 (2) "Rural Emergency Hospital" means a facility that:

6 (A) Was a critical access hospital;

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

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

9 (3) "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 (4) "Staffed Emergency Department" means an emergency department of a rural
13 emergency hospital that meets the following requirements:

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

15 (B) 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 (b) A hospital located in an urban area (Metropolitan Statistical Areas (MSA) county), can
19 be considered rural for the purposes of a designation as a critical access hospital pursuant to
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 (c) A critical access hospital may apply to be licensed as a 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
30 a rural emergency hospital.

31 (d) In addition to the requirements of subsection (c) of this section, rural emergency
32 hospital shall, at a minimum:

- 33 (1) Provide rural emergency hospital services through a staffed emergency department;
- 34 (2) Treat all patients regardless of insurance status; and
- 35 (3) Have in effect a transfer agreement with a Level I or Level II trauma center.

36 (e) A rural emergency hospital may:

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

41 (f) The department shall propose a rule for legislative approval in accordance with the
42 provisions of §29A-3-1 *et seq.* of this code to implement the provisions of this section.

The Clerk of the House of Delegates and the Clerk of the Senate hereby certify that the foregoing bill is correctly enrolled.

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Clerk of the House of Delegates

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Clerk of the Senate

Originated in the House of Delegates.

In effect ninety days from passage.

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Speaker of the House of Delegates

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President of the Senate

The within is this the.....
Day of, 2023.

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Governor