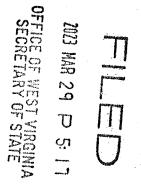
WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

ENROLLED



Committee Substitute

for

House Bill 2993

BY DELEGATES SUMMERS AND TULLY

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

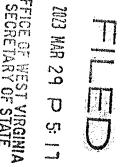
passage.]

JB3993

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

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Committee Substitute

for

House Bill 2993

BY DELEGATES SUMMERS AND TULLY

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

passage.]

Enr CS for HB 2993

- AN ACT to amend and reenact §16-5B-14 of the Code of West Virginia, 1931, as amended, relating to rural emergency hospital licensure; defining terms; setting forth licensure 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.

(4) "Staffed Emergency Department" means an emergency department of a rural
 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.

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- (b) A hospital located in an urban area (Metropolitan Statistical Areas (MSA) county), can
 be considered rural for the purposes of a designation as a critical access hospital pursuant to
 U.S.C. §1395i-4(c)(2) if it meets the following criteria:
- (1) Is enrolled as both a Medicaid and Medicare provider and accepts assignment for all
 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
- (2) It is designated as a critical access hospital at the time of application for licensure asa 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.

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

Clerk of the House of Delegates ſ Clerk of the Senate MAR A 29 υ Originated in the House of Delegates. ç'n In effect ninety days from passage. Speaker of the House of Delegates resident of the Senate The within is $\Omega_{Q} = \Omega_{Q} = \Omega_{Q} = \Omega_{Q}$ this the Ω_{Q} Day of 2023.

Governor

PRESENTED TO THE GOVERNOR

MAR 202023

Time_ 11:49am

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