HOUSE BILL No. 2637

By Committee on Health and Human Services

Requested by Representative Bryce on behalf of the Kansas Hospital Association

AN ACT concerning hospitals; relating to rural emergency hospital licensure; expanding eligibility to facilities that meet criteria between January 2015 and December 2020; amending K.S.A. 2023 Supp. 65-484 and repealing the existing section.

Be it enacted by the Legislature of the State of Kansas:

Section 1. On and after the date of publication in the Kansas register of the notice prescribed in section 2, K.S.A. 2023 Supp. 65-484 is hereby amended to read as follows: 65-484. (a) A facility shall be eligible to apply for a rural emergency hospital license if such facility, as of December 27, 2020, was a:

(1) Licensed critical access hospital;

(2) general hospital with not more than 50 licensed beds located in a county in a rural area as defined in section 1886(d)(2)(D) of the federal social security act; or

(3) general hospital with not more than 50 licensed beds that is deemed as being located in a rural area pursuant to section 1886(d)(8)(E) of the federal social security act.

(b) (1) A facility shall be eligible to apply for a rural emergency hospital license if such facility, at any point during the period beginning on January 1, 2015, and ending on December 26, 2020, was a facility described in subsection (a) or became a department of a provider or provider-based entity.

(2) A facility may qualify for licensure under this subsection notwithstanding whether such facility was enrolled in medicare under a different United States centers for medicare and medicaid services certification number if such facility remains within the same zip code as when the facility originally received such facility's certification number.

(3) As used in this subsection, "provider-based entity" means the same as defined in 42 C.F.R. § 413.65.

(c) A facility applying for licensure as a rural emergency hospital shall include with the licensure application:

(1) An action plan for initiating rural emergency hospital services, including a detailed transition plan that lists the specific services that the facility will retain, modify, add and discontinue;
(2) a description of services that the facility intends to provide on an outpatient basis; and

(3) such other information as required by rules and regulations adopted by the department of health and environment.

(e)(d) A rural emergency hospital shall not have inpatient beds, except that such hospital may have a unit that is a distinct part of such hospital and that is licensed as a skilled nursing facility to provide post-hospital extended care services.

(d)(e) A rural emergency hospital may own and operate an entity that provides ambulance services.

(e)(f) A licensed general hospital or critical access hospital, provider-based entity or provider department that applies for and receives licensure as a rural emergency hospital and elects to operate as a rural emergency hospital shall retain its original license as a general hospital or critical access hospital. Such original license shall remain inactive while the rural emergency hospital license is in effect.

New Sec. 2. When the rural emergency hospital adjustment act, S. 3394, 118th Cong. (2023) is passed into law, the attorney general shall certify such bill's passage to the secretary of state. Upon receipt of such certification, the secretary of state shall publish such certification in the Kansas register.

Sec. 3. On and after the date of publication in the Kansas register of the notice prescribed in section 2, K.S.A. 2023 Supp. 65-484 is hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its publication in the Kansas register.