

House Substitute for SENATE BILL No. 219

By Committee on Health and Human Services

2-29

1 AN ACT concerning hospitals; relating to rural emergency hospital
2 licensure; expanding eligibility to facilities that meet criteria between
3 January 2015 and December 2020; amending K.S.A. 2023 Supp. 65-
4 484 and repealing the existing section.

5
6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. On and after the date of publication in the Kansas register
8 of the notice prescribed in section 2, K.S.A. 2023 Supp. 65-484 is hereby
9 amended to read as follows: 65-484. (a) A facility shall be eligible to apply
10 for a rural emergency hospital license if such facility, as of December 27,
11 2020, was a:

12 (1) Licensed critical access hospital;

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

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

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

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

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

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

33 (1) An action plan for initiating rural emergency hospital services,
34 including a detailed transition plan that lists the specific services that the
35 facility will retain, modify, add and discontinue;

36 (2) a description of services that the facility intends to provide on an

1 outpatient basis; and

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

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

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

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

16 New Sec. 2. When the rural emergency hospital adjustment act, S.
17 3394, 118th Cong. (2023) is passed into law, the attorney general shall
18 certify such bill's passage to the secretary of state. Upon receipt of such
19 certification, the secretary of state shall publish such certification in the
20 Kansas register.

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

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