

**HOUSE BILL No. 2418**

By Committee on Health and Human Services

2-6

10 AN ACT concerning the definition of general hospital; amending K.S.A.  
11 65-425 and repealing the existing section.

12

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

14 Section 1. K.S.A. 65-425 is hereby amended to read as follows: 65-  
15 425. As used in this act:

16 (a) "General hospital" means an establishment with an organized  
17 medical staff of physicians; with permanent facilities that include inpatient  
18 beds *and a dedicated emergency department*; and with medical services,  
19 including physician services, and continuous registered professional nurs-  
20 ing services *and emergency department services* for not less than 24 hours  
21 of every day, to provide diagnosis and treatment for patients who have a  
22 variety of medical conditions; *that participates in and is part of the state-*  
23 *wide trauma system plan and any plan for the delivery of emergency*  
24 *medical services applicable to its region; that is focused on providing treat-*  
25 *ment for patients who require inpatient care; and is a participating pro-*  
26 *vider in the Kansas medicaid plan. In addition, the diagnosis-related*  
27 *groups of inpatient discharges from the establishment, determined by the*  
28 *methodology used for the medicare and medicaid programs, shall meet*  
29 *the following requirements: (1) No more than 44% of such discharges may*  
30 *relate to patients with a disease or disorder in any one major diagnostic*  
31 *category; and (2) the sum of inpatient discharges for the two highest major*  
32 *diagnostic categories shall not exceed 65% of all inpatient discharges. For*  
33 *the purposes of this subsection (a), "major diagnostic category" means a*  
34 *cardiac-related disease or disorder, an orthopedic-related disease or dis-*  
35 *order, or any surgical procedure not related to a cardiac or orthopedic*  
36 *disease or disorder.*

37 (b) "Special hospital" means an establishment with an organized  
38 medical staff of physicians; with permanent facilities that include inpatient  
39 beds; and with medical services, including physician services, and contin-  
40 uous registered professional nursing services for not less than 24 hours  
41 of every day, to provide diagnosis and treatment for patients who have  
42 specified medical conditions.

43 (c) "Person" means any individual, firm, partnership, corporation,

1 company, association, or joint-stock association, and the legal successor  
2 thereof.

3 (d) “Governmental unit” means the state, or any county, municipality,  
4 or other political subdivision thereof; or any department, division, board  
5 or other agency of any of the foregoing.

6 (e) “Licensing agency” means the department of health and  
7 environment.

8 (f) “Ambulatory surgical center” means an establishment with an or-  
9 ganized medical staff of one or more physicians; with permanent facilities  
10 that are equipped and operated primarily for the purpose of performing  
11 surgical procedures; with continuous physician services during surgical  
12 procedures and until the patient has recovered from the obvious effects  
13 of anesthetic and at all other times with physician services available when-  
14 ever a patient is in the facility; with continuous registered professional  
15 nursing services whenever a patient is in the facility; and which does not  
16 provide services or other accommodations for patient to stay more than  
17 24 hours. Before discharge from an ambulatory surgical center, each pa-  
18 tient shall be evaluated by a physician for proper anesthesia recovery.  
19 Nothing in this section shall be construed to require the office of a phy-  
20 sician or physicians to be licensed under this act as an ambulatory surgical  
21 center.

22 (g) “Recuperation center” means an establishment with an organized  
23 medical staff of physicians; with permanent facilities that include inpatient  
24 beds; and with medical services, including physician services, and contin-  
25 uous registered professional nursing services for not less than 24 hours  
26 of every day, to provide treatment for patients who require inpatient care  
27 but are not in an acute phase of illness, who currently require primary  
28 convalescent or restorative services, and who have a variety of medical  
29 conditions.

30 (h) “Medical care facility” means a hospital, ambulatory surgical cen-  
31 ter or recuperation center, but shall not include a hospice which is cer-  
32 tified to participate in the medicare program under 42 code of federal  
33 regulations, chapter IV, section 418.1 *et seq.* and amendments thereto  
34 and which provides services only to hospice patients.

35 (i) “Critical access hospital” shall have the meaning ascribed to such  
36 term under K.S.A. 65-468 and amendments thereto.

37 (j) “Hospital” means “general hospital,” “critical access hospital,” or  
38 “special hospital.”

39 (k) “Physician” means a person licensed to practice medicine and  
40 surgery in this state.

41 **[New Sec. 2. Any hospital licensed as a general hospital on July**  
42 **1, 2007, which does not meet the criteria for licensure as a general**  
43 **hospital pursuant to the definition of general hospital set out in**

1 **K.S.A. 65-425, and amendments thereto, shall be entitled to con-**  
2 **tinue to be licensed as a general hospital until December 31, 2009,**  
3 **provided that such hospital (a) otherwise meets the criteria for**  
4 **licensure as a hospital pursuant to this hospital licensure act, and**  
5 **(b) such hospital submits a letter of intent to the secretary of the**  
6 **department of health and environment on or before April 1, 2008,**  
7 **stating the hospital's intent to convert its facilities or program so**  
8 **as to meet the criteria for licensure as a general hospital pursuant**  
9 **to the definition of general hospital set out in K.S.A. 65-425, and**  
10 **amendments thereto.]**  
11     Sec. ~~2~~ [3.] K.S.A. 65-425 is hereby repealed.  
12     Sec. ~~3~~ [4.] This act shall take effect and be in force from and after  
13 ~~January 1, 2008,~~ and its publication in the statute book.