Sixty-seventh Legislative Assembly of North Dakota

SENATE BILL NO. 2334

Introduced by

Senators Myrdal, Klein, Kreun

Representatives Dockter, Porter, Richter

- 1 A BILL for an Act to create and enact chapter 23-17.6 of the North Dakota Century Code,
- 2 relating to the licensure of extended stay centers.

3 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

4 **SECTION 1.** Chapter 23-17.6 of the North Dakota Century Code is created and enacted as

5 follows:

6 <u>23-17.6-01. Definitions.</u>

- 7 In this chapter, unless the context and subject matter otherwise require:
- 8 <u>1.</u> "Department" means the state department of health.
- 9 <u>2.</u> "Extended stay center" means a facility that provides extended stay services.
- <u>"Extended stay services" means postsurgical and postdiagnostic medical and nursing</u>
 <u>services provided to a patient recovering from a surgical procedure performed in an</u>
- 12 <u>ambulatory surgical center.</u>
- 4. "Operating room" has the meaning given that term in rules adopted by the health
 council.
- 15 <u>23-17.6-02. License required Rules.</u>
- 16 <u>A person may not conduct, maintain, or operate an extended stay center without a license</u>
- 17 issued by the department. The health council shall adopt rules for the application, issuance, and
- 18 renewal of a license.
- 19 <u>23-17.6-03. Issuance and renewal of licenses Evaluation.</u>
- 20 Upon receipt of an initial or renewal licensure application, the department or the
- 21 department's authorized agent shall evaluate the extended stay center. If minimum standards
- 22 described in section 23-17.6-04 are met, the department shall issue the license.
- 23 23-17.6-04. Standards of licensure.
- 24 <u>1.</u> <u>An extended stay center shall meet the following minimum standards for licensure:</u>

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1		<u>a.</u>	Must be affiliated with a facility certified by the centers for Medicare and Medicaid
2			services as an ambulatory surgical center;
3		<u>b.</u>	Must have no more than two recovery beds for each operating room in the
4			affiliated ambulatory surgical center, not to exceed a total of sixteen recovery
5			beds;
6		<u>C.</u>	Shall discharge patients within forty-eight hours from the time of admission to the
7			extended stay center:
8		<u>d.</u>	Shall conform to all patient safety and facility requirements adopted by the health
9			council by rule;
10		<u>e.</u>	Shall use admission criteria based only on the extended stay center's:
11			(1) Medical screening criteria;
12			(2) Evidence-based surgery guidelines; or
13			(3) Patient safety standards;
14		<u>f.</u>	Orally and in writing, shall clearly notify patients with Medicare coverage of the
15			services provided by the extended stay center which are not covered by
16			Medicare; and
17		<u>g.</u>	Shall report data and metrics to the department as prescribed by rule, including
18			the:
19			(1) Types of procedures performed at the affiliated ambulatory surgical center
20			for which patients are transferred to the extended stay center for recovery;
21			(2) Average duration of patient stays at the extended stay center;
22			(3) Medical acuity of the patients served by the extended stay center; and
23			(4) Frequency and cause of patient transfers from the extended stay center to a
24			hospital.
25	<u>2.</u>	<u>An</u>	xtended stay center only may accept a patient from an ambulatory surgical center.
26		Ead	ambulatory surgical center must:
27		<u>a.</u>	Be separated physically from the extended stay center operations;
28		<u>b.</u>	Have demonstrated safe operating procedures in an outpatient surgery setting for
29			no less than twenty-four consecutive months; and

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- 1 <u>c.</u> <u>Be certified by the centers for Medicare and Medicaid services as participating in</u>
- 2 the ambulatory surgical center quality reporting program administered by the
- 3 <u>centers for Medicare and Medicaid services.</u>

4 <u>23-17.6-05. Denial, suspension, or revocation of license.</u>

- 5 The department may deny, suspend, or revoke the license of an extended stay center for
- 6 noncompliance with this chapter in accordance with the administrative hearing provisions of
- 7 <u>chapter 28-32.</u>

8 <u>23-17.6-06. Rulemaking.</u>

- 9 The health council shall adopt necessary rules relating to the extended stay centers,
- 10 <u>including rules governing:</u>
- 11 <u>1.</u> <u>Licensure qualifications of professional and ancillary personnel;</u>
- 12 <u>2.</u> <u>Standards for the organization and quality of patient care performed at the extended</u>
 13 stay center;
- 14 <u>3.</u> Procedures for maintaining records;
- 15 <u>4.</u> <u>Procedures for application, issuance, and renewal of license;</u>
- 16 <u>5.</u> <u>Procedures for denial, suspension, or revocation of license; and</u>
- 17 <u>6.</u> <u>Reviews of licensed extended stay centers.</u>
- 18 <u>23-17.6-07. Application and renewal fees.</u>
- 19 The department shall adopt by rule the fee for licensing an extended stay center, not to
- 20 exceed an application fee of fifteen thousand dollars and an annual renewal fee of fifteen
- 21 thousand dollars.
- 22 23-17.6-08. Reviews of extended stay center.
- 23 Before the issuance or renewal of an extended stay center license, the department shall
- 24 inspect the extended stay center for compliance with the standards established under this
- 25 chapter. To the maximum extent possible, the department shall coordinate reviews made under
- 26 this chapter with those made for the purposes of determining compliance with other licensing
- 27 <u>requirements.</u>