FIRST ENGROSSMENT

Sixty-seventh Legislative Assembly of North Dakota

ENGROSSED 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 registration 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 **23-17.6-01. Definitions.**
- In this chapter, unless the context and subject matter otherwise require:
- 8 <u>1. "Department" means the state department of health.</u>
- 9 <u>2.</u> "Extended stay center" means a facility that provides extended stay services.
- 10 <u>3.</u> "Extended stay services" means postsurgical and postdiagnostic medical and nursing
- 11 <u>services provided to a patient recovering from a surgical procedure performed in an</u>
- 12 <u>ambulatory surgical center.</u>
- 13 <u>4. "Operating room" has the meaning given that term in rules adopted by the health</u>
- 14 council.
- 15 <u>23-17.6-02. Registration required Rules.</u>
- A person may not conduct, maintain, or operate an extended stay center without a
- 17 certificate of registration issued by the department. The health council shall adopt rules for the
- 18 application, issuance, and renewal of a certificate of registration.
- 19 <u>23-17.6-03. Issuance and renewal of certificate of registration Evaluation.</u>
- 20 <u>Upon receipt of an initial or renewal certificate application, the department or the</u>
- 21 <u>department's authorized agent shall evaluate the extended stay center. If minimum standards</u>
- described in section 23-17.6-04 are met, the department shall issue the certificate.
- 23 **23-17.6-04. Standards of registration.**
- 24 <u>1. An extended stay center shall meet the following minimum standards for registration:</u>

1		<u>a.</u>	Must be affiliated with one or more facilities certified by the centers for Medicare		
2			<u>and</u>	Medicaid services as an ambulatory surgical center;	
3		<u>b.</u>	Mus	st have no more than two recovery beds for each operating room in the	
4			<u>affil</u>	iated ambulatory surgical center, not to exceed a total of sixteen recovery	
5			<u>bed</u>	<u>s;</u>	
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>	<u>Sha</u>	all conform to all patient safety and facility requirements adopted by the health	
9			<u>cou</u>	ncil by rule;	
10		<u>e.</u>	<u>Sha</u>	all use admission criteria based only on the extended stay center's:	
11			<u>(1)</u>	Medical screening criteria:	
12			<u>(2)</u>	Evidence-based surgery guidelines; or	
13			<u>(3)</u>	Patient safety standards;	
14		<u>f.</u>	<u>Ora</u>	lly and in writing, shall clearly notify patients with Medicare coverage of the	
15			<u>ser\</u>	vices provided by the extended stay center which are not covered by	
16			Med	dicare; and	
17		<u>g.</u>	<u>Sha</u>	all report data and metrics to the department as prescribed by rule, including	
18			the:		
19			<u>(1)</u>	Types of procedures performed at the affiliated ambulatory surgical center	
20				for which patients are transferred to the extended stay center for recovery;	
21			<u>(2)</u>	Average duration of patient stays at the extended stay center;	
22			<u>(3)</u>	Medical acuity of the patients served by the extended stay center; and	
23			<u>(4)</u>	Frequency and cause of patient transfers from the extended stay center to a	
24				hospital.	
25	<u>2.</u>	<u>An</u>	n extended stay center only may accept a patient from an ambulatory surgical center.		
26		Eac	Each ambulatory surgical center must:		
27		<u>a.</u>	Be s	separated physically from the extended stay center operations;	
28		<u>b.</u>	<u>Hav</u>	ve demonstrated safe operating procedures in an outpatient surgery setting for	
29			no I	ess than twenty-four consecutive months; and	

1 Be certified by the centers for Medicare and Medicaid services as participating in 2 the ambulatory surgical center quality reporting program administered by the 3 centers for Medicare and Medicaid services. 4 23-17.6-05. Denial, suspension, or revocation of certificate of registration. 5 The department may deny, suspend, or revoke the certificate of registration of an extended 6 stay center for noncompliance with this chapter in accordance with the administrative hearing 7 provisions of chapter 28-32. 8 23-17.6-06. Rulemaking. 9 The health council shall adopt necessary rules relating to the extended stay centers, 10 including rules governing: 11 Licensure qualifications of professional and ancillary personnel; 12 2. Standards for the organization and quality of patient care performed at the extended 13 stay center; 14 <u>3.</u> Procedures for maintaining records; 15 <u>4.</u> Procedures for application, issuance, and renewal of certificate of registration; 16 Procedures for denial, suspension, or revocation of certificate of registration; and 5. 17 <u>6.</u> Reviews of registered extended stay centers. 18 23-17.6-07. Application and renewal fees. 19 The department shall adopt by rule the fee for registering 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 certificate of registration, the 24 department shall inspect the extended stay center for compliance with the standards 25 established under this chapter. To the maximum extent possible, the department shall 26 coordinate reviews made under this chapter with those made for the purposes of determining 27 compliance with other licensing or registration requirements.