

NOTICE OF INTENT

**Department of Health
Bureau of Health Services Financing**

**Hospital Licensing Standards
Free-Standing Emergency Facilities
Emergency Services
(LAC 48:I.9327)**

The Department of Health, Bureau of Health Services Financing proposes to amend LAC 48:I.9327 as authorized by R.S. 40:2100-2115. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing amended the provisions governing the licensing of hospitals in order to address changes that occurred within the hospital industry (*Louisiana Register*, Volume 29, Number 11). The department now proposes to amend the licensing standards governing hospitals in order to amend the provisions governing emergency services provided by free-standing emergency care facilities.

Title 48

PUBLIC HEALTH—GENERAL

Part I. General Administration

Subpart 3. Licensing and Certification

Chapter 93. Hospitals

Subchapter B. Hospital Organization and Services

§9327. Emergency Services

A. - G. ...

H. A free-standing emergency medical care facility that provides emergency services, and which is not a department of a licensed hospital, shall be prohibited from operating.

1. *Emergency Medical Services*—those medical services necessary to screen, evaluate and stabilize an emergency medical condition.

2. *Emergency medical services* provided at a licensed off-site location shall be operated and integrated as part of the services of the licensed hospital.

I. A licensed hospital shall not have a greater number of emergency department (ED) beds than the licensed inpatient bed capacity.

J. Any licensed hospital seeking to add an off-site location for an ED shall be required to apply for and obtain approval through the facility need review (FNR) process.

K. The hospital off-site campus providing emergency services shall not have a greater number of ED beds than the number of licensed inpatient beds at the hospital's main campus facility.

L. If the hospital's main campus facility has more than one off-site campus that provides emergency services, the total number of ED beds at all off-site campuses providing emergency

services shall not be greater than the number of licensed inpatient beds at the hospital's main campus facility.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, LR 13:246 (April 1987), amended by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 21:177 (February 1995), LR 29:2407 (November 2003), amended by the Department of Health, Bureau of Health Services Financing, LR 42:

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have a positive impact on family functioning, stability or autonomy as described in R.S. 49:972 by ensuring the safe operation of hospitals that provide emergency services to families.

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973.

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service and will not increase direct or indirect cost to the provider to provide the same level of service. This proposed Rule will not impact the provider's ability to provide the same level of service as described in HCR 170.

Interested persons may submit written comments to Cecile Castello, Health Standards Section, P.O. Box 3767, Baton Rouge, LA 70821 or by email to MedicaidPolicy@la.gov. Ms. Castello is responsible for responding to inquiries regarding this proposed Rule. A public hearing on this proposed Rule is scheduled for Thursday, August 25, 2016 at 9:30 a.m. in Room 118, Bienville Building, 628 North Fourth Street, Baton Rouge, LA. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing. The deadline for receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

Rebekah E. Gee MD, MPH

Secretary