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AN ACT
RELATING TO PUBLIC HEALTH; ALLOWING RURAL HEALTH FACILITIES
TO APPLY FOR RURAL EMERGENCY HOSPITAL LICENSURE; ESTABLISHING
RURAL EMERGENCY HOSPITAL LICENSURE REQUIREMENTS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. A new section of the Public Health Act is
enacted to read:

"RURAL EMERGENCY HOSPITAL LICENSURE--LICENSING
REQUIREMENTS.--

A. The department shall promulgate rules to
establish a rural emergency hospital license that enables
certain hospitals to apply to receive federal health care
reimbursement as rural emergency hospitals.

B. The department shall only issue a rural
emergency hospital license to a health facility that:

(1) on December 27, 2020, was:

(a) designated as a critical access
hospital by the centers for medicare and medicaid services;
or

(b) licensed as a hospital with less
than fifty licensed beds and located in a county in a rural
area as defined in Section 1886(d)(2)(D) or Section
1886(d)(8)(E) of the federal Social Security Act;

(2) provides rural emergency hospital

1 services in the facility twenty-four hours per day and is
2 staffed twenty-four hours per day, seven days per week with a
3 physician, nurse practitioner, clinical nurse specialist or
4 physician assistant;

5 (3) has a transfer agreement in effect with
6 a level I or level II trauma center;

7 (4) does not have an annual average patient
8 length of stay over twenty-four hours; and

9 (5) meets any other requirements that the
10 department finds necessary to implement state licensure and
11 satisfy centers for medicare and medicaid services
12 requirements for reimbursement as a rural emergency hospital.

13 C. A health facility that applies to the
14 department for licensure as a rural emergency hospital shall
15 include with the licensure application:

16 (1) an action plan for initiating rural
17 emergency hospital services, including a detailed transition
18 plan that lists the specific services that the facility will
19 retain, modify, add and discontinue;

20 (2) a description of services that the
21 facility intends to provide on an outpatient basis; and

22 (3) any other information required by rules
23 of the department.

24 D. A rural emergency hospital shall not have
25 inpatient beds, but a rural emergency hospital may have a

1 unit that is a distinct part of the hospital that is licensed
2 as a skilled nursing facility and provides post-hospital
3 extended care services.

4 E. For the purposes of this section:

5 (1) "department" means the department of
6 health; and

7 (2) "rural emergency hospital" means a
8 health facility that provides emergency and observational care
9 and meets the licensure requirements outlined in Subsection B
10 of this section."

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