

## HOUSE BILL No. 3013

By Committee on Appropriations

3-14

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9 AN ACT concerning hospitals; concerning certain licensing require-  
10 ments for general hospitals; definitions; amending K.S.A. 21-4017, 65-  
11 425, 65-429 and 75-5923 and repealing the existing sections.  
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13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. K.S.A. 21-4017 is hereby amended to read as follows: 21-  
15 4017. (a) As used in this section:

16 (1) "Medical care facility" means a general hospital, special hospital,  
17 ambulatory surgery center or ~~recuperation~~ *limited care* center, as defined  
18 by K.S.A. 65-425 and amendments thereto, and any psychiatric hospital  
19 licensed under K.S.A. 75-3307b and amendments thereto; and

20 (2) "Smoking" means possession of a lighted cigarette, cigar, pipe or  
21 burning tobacco in any other form or device designed for the use of  
22 tobacco.

23 (b) On and after July 1, 1994, smoking in a medical care facility is  
24 hereby prohibited except that a smoking area may be established within  
25 a licensed long-term care unit of a medical care facility if such smoking  
26 area is well-ventilated. On and after July 1, 1994, the chief administrative  
27 officer of each medical care facility shall cause to be posted in conspicuous  
28 places signs stating that smoking in the medical care facility is prohibited  
29 by state law.

30 (c) Any person found guilty of smoking in violation of subsection (b)  
31 of this section is guilty of a misdemeanor punishable by a fine of not more  
32 than \$20 for each violation. Any person found guilty of failing to post  
33 signs as required by subsection (b) of this section, is guilty of a misde-  
34 meanor punishable by a fine of not more than \$50. In addition, the de-  
35 partment of health and environment, or local department of health, may  
36 institute an action in any court of competent jurisdiction to enjoin re-  
37 peated violations of subsection (b) of this section.

38 Sec. 2. K.S.A. 65-425 is hereby amended to read as follows: 65-425.  
39 As used in this act:

40 (a) "General hospital" means an establishment with an organized  
41 medical staff of physicians; with permanent facilities that include inpatient  
42 beds *and a dedicated emergency department*; ~~and~~ with medical services,  
43 including physician services, and continuous registered professional nurs-

1 ing services *and emergency department services* for not less than 24 hours  
2 of every day, to provide diagnosis and treatment for patients who have a  
3 variety of medical conditions *that participates in and is part of the state-*  
4 *wide trauma system plan and any plan for the delivery of emergency*  
5 *medical services applicable to its region; and that is primarily engaged in*  
6 *providing treatment for patients who require inpatient care. In addition,*  
7 *the diagnosis-related groups of inpatient discharges from the establish-*  
8 *ment, determined by the methodology used for the medicare and medicaid*  
9 *programs, shall meet the following requirements: (1) No more than 44%*  
10 *of such discharges may relate to patients with a disease or disorder in*  
11 *any one major diagnostic category; and (2) the sum of inpatient discharges*  
12 *for the establishment's two highest major diagnostic categories shall not*  
13 *exceed 65% of all inpatient discharges. For purposes of this subsection*  
14 *(a), "major diagnostic category" means a cardiac-related disease or dis-*  
15 *order, an orthopedic-related disease or disorder, or any surgical proce-*  
16 *dure not related to a cardiac or orthopedic disease or disorder.*  
17 (b) "Special hospital" means an establishment with an organized  
18 medical staff of physicians; with permanent facilities that include inpatient  
19 beds; and with medical services, including physician services, and contin-  
20 uous registered professional nursing services for not less than 24 hours  
21 of every day, to provide diagnosis and treatment for ~~patients who have~~  
22 ~~specified medical conditions~~ *children exclusively or for rehabilitation or*  
23 *long-term care.*  
24 (c) "Person" means any individual, firm, partnership, corporation,  
25 company, association, or joint-stock association, and the legal successor  
26 thereof.  
27 (d) "Governmental unit" means the state, or any county, municipality,  
28 or other political subdivision thereof; or any department, division, board  
29 or other agency of any of the foregoing.  
30 (e) "Licensing agency" means the department of health and  
31 environment.  
32 (f) "Ambulatory surgical center" means an establishment with an or-  
33 ganized medical staff of one or more physicians; with permanent facilities  
34 that are equipped and operated primarily for the purpose of performing  
35 surgical procedures; with continuous physician services during surgical  
36 procedures and until the patient has recovered from the obvious effects  
37 of anesthetic and at all other times with physician services available when-  
38 ever a patient is in the facility; with continuous registered professional  
39 nursing services whenever a patient is in the facility; and which does not  
40 provide services or other accommodations for patient to stay more than  
41 24 hours. Before discharge from an ambulatory surgical center, each pa-  
42 tient shall be evaluated by a physician for proper anesthesia recovery.  
43 Nothing in this section shall be construed to require the office of a phy-

1 sician or physicians to be licensed under this act as an ambulatory surgical  
2 center.

3 (g) ~~“Recuperation center” means an establishment with an organized~~  
4 ~~medical staff of physicians, with permanent facilities that include inpatient~~  
5 ~~beds, and with medical services, including physician services, and contin-~~  
6 ~~uous registered professional nursing services for not less than 24 hours~~  
7 ~~of every day, to provide treatment for patients who require inpatient care~~  
8 ~~but are not in an acute phase of illness, who currently require primary~~  
9 ~~convalescent or restorative services, and who have a variety of medical~~  
10 ~~conditions.~~ “Limited care center” means an establish-  
11 ment with an organized medical staff of physicians, with permanent facilities that include  
12 multi-use beds, with medical services, including physician and nursing  
13 services, to provide focused treatment for patients who have a medical  
14 condition involving an orthopedic or cardiac related disease or disorder  
15 or requiring surgery or to provide treatment for patients who require  
16 convalescent or restorative services.

17 (h) “Medical care facility” means a hospital, ambulatory surgical cen-  
18 ter ~~or recuperation center~~ limited care center, but shall not include a  
19 hospice which is certified to participate in the medicare program under  
20 42 code of federal regulations, chapter IV, section 418.1 *et seq.* and  
21 amendments thereto and which provides services only to hospice patients.

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

24 (j) “Hospital” means “general hospital,” “critical access hospital,” or  
25 “special hospital.”

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

28 Sec. 3. K.S.A. 65-429 is hereby amended to read as follows: 65-429.  
29 Upon receipt of an application for license, the licensing agency shall issue  
30 with the approval of the state fire marshal a license provided the applicant  
31 and the physical facilities of the medical care facility meet the require-  
32 ments established under this act. *An application for a license as a general*  
33 *hospital, including renewal of a license, shall not be issued by the licensing*  
34 *agency unless such general hospital is a participating provider in the*  
35 *Kansas medicaid plan throughout the term of such license.* A license,  
36 unless suspended or revoked, shall be renewable annually without charge  
37 upon the filing by the licensee, and approval by the licensing agency, of  
38 an annual report upon such uniform dates and containing such informa-  
39 tion in such form as the licensing agency prescribes by rules and regu-  
40 lations. A medical care facility which has been licensed by the licensing  
41 agency and which has received certification for participation in federal  
42 reimbursement programs and which has been accredited by the joint  
43 commission on accreditation of health care organizations or the American

1 osteopathic association may be granted a license renewal based on such  
2 certification and accreditation. The cost of administration of the medical  
3 care facilities licensure and risk management program provisions of this  
4 act pursuant to K.S.A. 65-433 and 65-4921 *et seq.*, and amendments  
5 thereto, shall be funded by an annual assessment from the health care  
6 stabilization fund, which assessment shall not exceed \$200,000 in any one  
7 fiscal year. The licensing agency shall make an annual report to the health  
8 care stabilization fund regarding the use of these funds. Each license shall  
9 be issued only for the premises and persons or governmental units named  
10 in the application and shall not be transferable or assignable except with  
11 the written approval of the licensing agency. A separate license is not  
12 required for two separate establishments which are located in the same  
13 or contiguous counties, which provide the services required by K.S.A. 65-  
14 431 and amendments thereto and which are organized under a single  
15 owner or governing board with a single designated administrator and  
16 medical staff. Licenses shall be posted in a conspicuous place on the  
17 licensed premises.

18 Sec. 4. K.S.A. 75-5923 is hereby amended to read as follows: 75-  
19 5923. (a) The secretary of aging shall establish a telephone system to assist  
20 older Kansans, friends and relatives of older Kansans and other persons  
21 in obtaining information about and access to services available to both  
22 institutionalized and non-institutionalized older Kansans. The telephone  
23 system shall be designed to permit any person in the state to place a toll-  
24 free call into the system.

25 (b) The secretary of aging shall:

26 (1) Publicize the existence and purpose of the toll-free telephone  
27 system established by this section and the telephone number of such  
28 system;

29 (2) develop policies and procedures to document requests for assis-  
30 tance and monitor follow-up on such requests;

31 (3) develop policies and procedures to maintain confidentiality of re-  
32 quests for assistance;

33 (4) develop a program to train and coordinate the use of older Kan-  
34 sans within the toll-free telephone system;

35 (5) provide as part of the toll-free telephone system a call-forward  
36 system to assist in providing access to information; and

37 (6) develop a handbook of information to answer requests and for  
38 further referral.

39 (c) Upon written notification by the secretary of aging, every adult  
40 care home, as defined in subsection (a)(1) of K.S.A. 39-923, *and amend-*  
41 *ments thereto*, title XX adult residential home licensed under K.S.A. 75-  
42 3307b, *and amendments thereto*, ~~recovery center, as defined in sub-~~  
43 ~~section (g) of K.S.A. 65-425~~; intermediate care facility, as defined in

1 section 1905(c) of the federal social security act, skilled nursing facility,  
2 as defined in section 1861(j) of the federal social security *act*, and any  
3 other institution or facility which is licensed or certified by the state,  
4 which offers health, social or dietary care to elderly persons on a regular  
5 basis, and which is financed in whole or in part by funds from the federal  
6 government, the state of Kansas, or any political subdivision thereof, shall  
7 prominently display notice of the existence of the toll-free telephone sys-  
8 tem established under this section and the telephone number of such  
9 system.

10 Sec. 5. K.S.A. 21-4017, 65-425, 65-429 and 75-5923 are hereby  
11 repealed.

12 Sec. 6. This act shall take effect and be in force from and after its  
13 publication in the statute book.