

**BILL SUMMARY**  
2<sup>nd</sup> Session of the 56<sup>th</sup> Legislature

<b>Bill No.:</b>	<b>HB 3230</b>
<b>Version:</b>	<b>FA3</b>
<b>Request Number:</b>	
<b>Author:</b>	<b>Rep. Mulready</b>
<b>Date:</b>	<b>3/14/2018</b>
<b>Impact:</b>	<b>\$0</b>

**Research Analysis**

The third floor amendment stipulates a freestanding emergency medical facility will be considered a hospital only for the purposes of and be subject to the requirements of the Emergency Medical Treatment and Labor Act. The amendment also directs licensed facilities to obtain provider-based status by the Centers for Medicare and Medicaid Services.

The measure prohibits the operation of a freestanding emergency medical facility without a license from the State Department of Health. By rule the commissioner must establish a classification for a facility that is in continuous operation 24 hours per day and 7 days a week. The bill provides exceptions for certain facilities. Applicants for licensure must submit an application prescribed by the department. Additionally, the commissioner will have the authority to promulgate rules to carry out the provisions of the bill including, but not limited to requirements for the issuance, renewal, denial, suspension and revocation of a license, construction and design of a facility, and operational requirements. The commissioner will set fees in amounts necessary to defray the cost of administering the provisions of the bill. The bill provides for emergency suspension of a facility license and permits the department to petition a district court for a temporary restraining order. Lastly, the bill establishes financial penalties for violations, and it permits a person to file a petition for judicial review of the commissioner's order contesting the occurrence of a violation, the amount of a penalty, or both.

Prepared By: Scott Tohlen

**Fiscal Analysis**

The third floor amendment to HB 3230 has no fiscal considerations to the state and no effect on the existing fiscal analysis.

The new sub-section D of section 10 of the third floor amendment to HB 3230 directs that facilities under this measure shall be required to obtain provider-based status by Centers for Medicare and Medicaid Services. This provision has no effect on the existing fiscal analysis as CMS approval of these facilities is not currently anticipated.

Prepared By: Stacy Johnson

**Other Considerations**

None.

