

Requested by Representative NOSSE

**PROPOSED AMENDMENTS TO
HOUSE BILL 2664**

1 On page 1 of the printed bill, delete lines 7 through 26 and insert:

2 **“SECTION 2. (1) As used in this section:**

3 **“(a) ‘Extended stay center’ means a facility that is a separate and**
4 **distinct entity from an ambulatory surgical center and that provides**
5 **extended stay services.**

6 **“(b) ‘Extended stay services’ means post-surgical and post-**
7 **diagnostic medical and nursing services provided to a patient for**
8 **whom the attending physician expects an uncomplicated recovery from**
9 **surgery.**

10 **“(c) ‘Health system’ means a corporate entity that owns or operates**
11 **at least one hospital licensed by the Oregon Health Authority under**
12 **this chapter.**

13 **“(d) ‘Local hospital’ means a hospital that is located within a**
14 **15-mile radius of an extended stay center or within an area prescribed**
15 **by rule by the Oregon Health Authority as necessary to ensure the**
16 **safety of patients admitted to an extended stay center.**

17 **“(2) The Oregon Health Authority shall adopt rules for the licensing**
18 **of extended stay centers. The rules must ensure that each licensed**
19 **extended stay center:**

20 **“(a) Is sponsored by an ambulatory surgical center that has dem-**
21 **onstrated safe operating procedures in an outpatient surgery setting**

1 for no less than 24 consecutive months;

2 “(b) Has an emergency transfer agreement with a local hospital or
3 has emergency procedures in place for transferring patients in need
4 of hospitalization to a local hospital;

5 “(c) Is adjacent to the facility where the extended stay patients are
6 receiving surgical services;

7 “(d) Conforms to rules adopted by the authority that pertain to
8 overnight hospital stays, including but not limited to:

9 “(A) Ownership and management of the extended stay center;

10 “(B) Responsibilities and duties of the governing body;

11 “(C) Administrator qualifications and medical staff requirements;

12 “(D) Requirements for patient admissions and discharges;

13 “(E) Requirements for maintaining medical records;

14 “(F) Emergency and safety standards that ensure a high level of
15 patient safety and that meet or exceed the patient safety standards
16 required of hospitals in this state;

17 “(G) Quality control requirements and the submission of data re-
18 garding the quality of patient care; and

19 “(H) Patient care standards, including 24-hour staffing require-
20 ments;

21 “(e) Orally and in writing, clearly notifies patients with Medicare
22 coverage that services provided in an extended stay center are not
23 covered by Medicare;

24 “(f) Requires certification by a patient’s physician prior to the
25 patient’s admission to the extended stay center that the patient re-
26 quires services provided in the extended stay center;

27 “(g) Except as provided in subsection (3) of this section, admits
28 patients following surgery in an ambulatory surgical center for no
29 more than 48 hours beginning at the time of admission to the
30 ambulatory surgical center;

1 **“(h) Is located in a county with a population of more than 70,000**
2 **as of the effective date of this 2017 Act; and**

3 **“(i) Has detailed a plan to accept patients who are enrolled in the**
4 **medical assistance program and Medicare, if allowed by federal law,**
5 **who meet the center’s medical screening criteria, evidence based sur-**
6 **gery guidelines and patient safety standards, for services that are re-**
7 **imbursed by the medical assistance program or Medicare.**

8 **“(3) A patient may stay in an extended stay center for up to four**
9 **hours longer than the 48 hours prescribed in subsection (2)(g) of this**
10 **section, based on patient safety or clinical necessity as determined by**
11 **the medical director of the extended stay center, but must be dis-**
12 **charged by 10 a.m.**

13 **“(4) The authority shall adopt by rule key data and metrics that**
14 **must be reported to the authority by an extended stay center at least**
15 **every five years.**

16 **“(5) The authority shall license no more than 16 extended stay**
17 **centers, including:**

18 **“(a) Eight extended stay centers that are owned as joint ventures**
19 **between ambulatory surgical centers and health systems with the**
20 **health systems having at least a 25 percent interest in the joint ven-**
21 **ture;**

22 **“(b) Five extended stay centers that are not owned as joint ventures**
23 **between ambulatory surgical centers and health systems; and**

24 **“(c) Three extended stay centers in addition to the extended stay**
25 **centers described in paragraph (a) or (b) of this subsection, licensed**
26 **in the order that the license applications are received by the**
27 **authority.”.**

28 In line 28, after “Services” insert “, no later than July 1, 2018,”.

29 On page 2, line 1, after “recipients” insert “and prevent ambulatory sur-

30 **gical centers and extended stay centers from operating under a single**

1 license”.

2 Delete lines 15 through 18 and insert:

3 “(F) The rate of infection and other adverse events; and

4 “(G) Patient satisfaction, including grievances filed by or on behalf of
5 patients;

6 “(d) The frequency and causes of transfers from extended stay centers to
7 local hospitals and the patients’ health outcomes; and”.

8 In line 21, delete “and the Department of Consumer and”.

9 In line 22, delete “Business Services”.

10 In line 27, delete “and”.

11 In line 28, after “authority” insert a colon and delete the rest of the line
12 and line 29.

13 In line 39, after “state” insert “; and

14 “(d) The Director of the Department of Consumer and Business Services
15 or the director’s designee as an ex officio member”.

16 On page 3, delete lines 6 through 26 and insert:

17 **“SECTION 5.** Section 2 of this 2017 Act is amended to read:

18 **“Sec. 2.** (1) As used in this section:

19 “(a) ‘Extended stay center’ means a facility that is a separate and distinct
20 entity from an ambulatory surgical center and that provides extended stay
21 services.

22 “(b) ‘Extended stay services’ means post-surgical and post-diagnostic
23 medical and nursing services provided to a patient for whom the attending
24 physician expects an uncomplicated recovery from surgery.

25 “(c) ‘Health system’ means a corporate entity that owns or operates at
26 least one hospital licensed by the Oregon Health Authority under this
27 chapter.

28 “(d) ‘Local hospital’ means a hospital that is located within a 15-mile ra-
29 dius of an extended stay center or within an area prescribed by rule by the
30 Oregon Health Authority as necessary to ensure the safety of patients ad-

1 mitted to an extended stay center.

2 “(2) The Oregon Health Authority shall adopt rules for the licensing of
3 extended stay centers. The rules must ensure that each licensed extended
4 stay center:

5 “(a) Is sponsored by an ambulatory surgical center that has demonstrated
6 safe operating procedures in an outpatient surgery setting for no less than
7 24 consecutive months;

8 “(b) Has an emergency transfer agreement with a local hospital or has
9 emergency procedures in place for transferring patients in need of
10 hospitalization to a local hospital;

11 “(c) Is adjacent to the facility where the extended stay patients are re-
12 ceiving surgical services;

13 “(d) Conforms to rules adopted by the authority that pertain to overnight
14 hospital stays, including but not limited to:

15 “(A) Ownership and management of the extended stay center;

16 “(B) Responsibilities and duties of the governing body;

17 “(C) Administrator qualifications and medical staff requirements;

18 “(D) Requirements for patient admissions and discharges;

19 “(E) Requirements for maintaining medical records;

20 “(F) Emergency and safety standards that ensure a high level of patient
21 safety and that meet or exceed the patient safety standards required of hos-
22 pitals in this state;

23 “(G) Quality control requirements and the submission of data regarding
24 the quality of patient care; and

25 “(H) Patient care standards, including 24-hour staffing requirements;

26 “(e) Orally and in writing, clearly notifies patients with Medicare cover-
27 age that services provided in an extended stay center are not covered by
28 Medicare;

29 “(f) Requires certification by a patient’s physician prior to the patient’s
30 admission to the extended stay center that the patient requires services

1 provided in the extended stay center;

2 “(g) Except as provided in subsection (3) of this section, admits patients
3 following surgery in an ambulatory surgical center for no more than 48
4 hours beginning at the time of admission to the ambulatory surgical center;

5 “(h) Is located in a county with a population of more than 70,000 as of
6 the effective date of this 2017 Act; and

7 “(i) Has detailed a plan to accept patients who are enrolled in the medical
8 assistance program and Medicare, if allowed by federal law, who meet the
9 center’s medical screening criteria, evidence based surgery guidelines and
10 patient safety standards, for services that are reimbursed by the medical as-
11 sistance program or Medicare.

12 “(3) A patient may stay in an extended stay center for up to four hours
13 longer than the 48 hours prescribed in subsection (2)(g) of this section, based
14 on patient safety or clinical necessity as determined by the medical director
15 of the extended stay center, but must be discharged by 10 a.m.

16 “(4) The authority shall adopt by rule key data and metrics that must be
17 reported to the authority by an extended stay center at least every five years.

18 “[5] *The authority shall license no more than 16 extended stay centers,*
19 *including:]*

20 [*“(a) Eight extended stay centers that are owned as joint ventures between*
21 *ambulatory surgical centers and health systems with the health systems having*
22 *at least a 25 percent interest in the joint venture;]*

23 [*“(b) Five extended stay centers that are not owned as joint ventures be-*
24 *tween ambulatory surgical centers and health systems; and]*

25 [*“(c) Three extended stay centers in addition to the extended stay centers*
26 *described in paragraph (a) or (b) of this subsection, licensed in the order that*
27 *the license applications are received by the authority.] ”.*

28 On page 17, after line 14, insert:

29 **“SECTION 16. The Oregon Health Authority shall adopt all rules**
30 **necessary to carry out section 2 of this 2017 Act no later than 120 days**

1 after the effective date of this 2017 Act.

2 **“SECTION 17. The Oregon Health Authority may solicit and accept**
3 **gifts, grants and donations from public and private sources, which**
4 **shall be deposited in the Oregon Health Authority Fund established**
5 **under ORS 413.101 and used only for the purpose of carrying out the**
6 **provisions of sections 2 and 4 of this 2017 Act.**

7 **“SECTION 18. (1) ORS 441.086 is added to and made a part of ORS**
8 **441.015 to 441.087.**

9 **“(2) ORS 441.087 is added to and made a part of ORS chapter 441.”.**

10 In line 15, delete “16” and insert “19”.

11 In line 17, delete “17” and insert “20”.

12 In line 18, delete “18” and insert “21”.

13 In line 21, after “4” insert “and 16”.

14 _____