

# REPORT OF THE REVENUE POLICY SUBCOMMITTEE

(White, J.R. Smith, Bingham, Herbkersman & Pitts - Staff Contact: Rena N. Grant)

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## HOUSE BILL 3983

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### ***Summary of Bill:***

The bill creates the SC Rural County Access to Emergency Health Care Act which would grant a rural county access to a freestanding emergency facility. In the event a hospital located in a rural area closes and relinquishes its license to operate within three years from the date of closure, the hospital may re-open as a freestanding emergency facility and is not required to obtain a Certificate of Need (CON). The hospital board must submit a reopening plan to DHEC within thirty days of its intent to reopen the hospital.

***Introduced:*** 04/18/2013

***Received by Ways and Means:*** 04/18/2013

### ***Estimated Fiscal Impact:***

The official impact remains pending, but the bill should have no impact on state or local funds.

### ***Subcommittee Recommendation:***

Favorable with amendment

***Amendment:*** the amendment specifics that HHS must approve the provisions of the RFP that the local governing authority will use to select a partner hospital to run the new free standing emergency facility.

### ***Full Committee Recommendation:***

Pending

### ***Other Notes/Comments:***

A rural county is defined as a county with a population of fifty thousand or less. According to the the U.S. Census Bureau, Population Division, the following SC counties have a population of fifty thousand or less:

*Abbeville*

*Edgefield*

*Union*

*Allendale*

*Fairfield*

*Williamsburg*

*Bamberg*

*Hampton*

*Barnwell*

*Jasper*

*Calhoun*

*Lee*

*Chester*

*McCormick*

*Chesterfield*

*Marion*

*Clarendon*

*Marlboro*

*Colleton*

*Newberry*

*Dillon*

*Saluda*

HOUSE  
AMENDMENT

THIS AMENDMENT  
ADOPTED

RAVENEL/DOWNEY  
APRIL 22, 2013

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CLERK OF THE HOUSE

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*Revenue Policy  
Subcommittee*, PROPOSES THE FOLLOWING AMENDMENT  
No. TO H. 3983  
(COUNCIL\NBD\3983C003.NBD.VR13.1):

REFERENCE IS TO THE BILL AS INTRODUCED.

**AMEND THE BILL, AS AND IF AMENDED, BY  
STRIKING SECTION 44-7-4150, PAGE 2, LINES  
20-35, AND INSERTING:**

**/ SECTION 44-7-4150. NOTWITHSTANDING  
ANY PROVISION IN THE ‘STATE CERTIFICATE OF  
NEED AND HEALTH FACILITY LICENSURE ACT’,  
ARTICLE 3, CHAPTER 7, TITLE 44, A HOSPITAL  
LOCATED IN A RURAL COUNTY THAT HAS CLOSED  
AND RELINQUISHED ITS LICENSE TO OPERATE  
WITHIN THREE YEARS FROM THE DATE OF**

**CLOSURE MAY REOPEN AND OPERATE AS A FREESTANDING EMERGENCY FACILITY PURSUANT TO THE PROVISIONS OF THIS ARTICLE WITHOUT HAVING TO OBTAIN A CERTIFICATE OF NEED.**

**SECTION 44-7-4160. (A) THE GOVERNING AUTHORITY UNDER WHICH THE FREESTANDING EMERGENCY FACILITY WILL PROVIDE SERVICES SHALL ISSUE A REQUEST FOR PROPOSAL OR OTHER SOLICITATION, SETTING FORTH THE TERMS AND PROVISIONS FOR A HOSPITAL TO REOPEN AS A FREESTANDING EMERGENCY FACILITY PURSUANT TO THIS ARTICLE; PROVIDED, HOWEVER, THE DEPARTMENT OF HEALTH AND HUMAN SERVICES SHALL REVIEW AND APPROVE THE REQUEST FOR PROPOSAL OR OTHER SOLICITATION BEFORE THE GOVERNING AUTHORITY MAY ISSUE IT.**

**(B) A HOSPITAL APPLYING TO OPERATE A FREESTANDING EMERGENCY FACILITY SHALL SUBMIT AN APPLICATION AND RESPONSE TO THE**

**GOVERNING AUTHORITY'S REQUEST FOR PROPOSAL OR OTHER SOLICITATION.**

**(C) UPON SELECTION OF A HOSPITAL TO OPERATE A FREESTANDING EMERGENCY FACILITY, THE GOVERNING AUTHORITY SHALL SUBMIT A REOPENING PLAN TO THE DEPARTMENT NO SOONER THAN THIRTY DAYS BEFORE THE TIME THE BOARD DESIRES TO REOPEN THE CLOSED HOSPITAL AS A FREESTANDING EMERGENCY FACILITY. THE DEPARTMENT SHALL INSPECT THE HOSPITAL FACILITY ON A PRIORITY BASIS.**

**(D) TO THE EXTENT THAT A PORTION OF THE HOSPITAL FACILITY IDENTIFIED IN THE REOPENING PLAN IS NOT IN COMPLIANCE WITH LIFE SAFETY STANDARDS AT ITS DESIGNATED REOPEN TIME, THE DEPARTMENT SHALL SPECIFY A TIME WITHIN WHICH THE VIOLATIONS MUST BE CORRECTED.” /**

**RENUMBER SECTIONS TO CONFORM.  
AMEND TITLE TO CONFORM.**

**South Carolina General Assembly**  
120th Session, 2013-2014

**H. 3983**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Sellers, G.M. Smith and White

Document Path: I:\council\bills\nbd\11216vr13.docx

Introduced in the House on April 18, 2013

Currently residing in the House Committee on **Ways and Means**

Summary: Not yet available

**HISTORY OF LEGISLATIVE ACTIONS**

Date	Body	Action Description with journal page number
4/18/2013	House	Introduced and read first time ( <a href="#">House Journal-page 29</a> )
4/18/2013	House	Referred to Committee on <b>Ways and Means</b> ( <a href="#">House Journal-page 29</a> )

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**VERSIONS OF THIS BILL**

[4/18/2013](#)

1  
2  
3  
4  
5  
6  
7  
8  
9 **A BILL**

10  
11 TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA,  
12 1976, BY ADDING ARTICLE 29 TO CHAPTER 7, TITLE 44  
13 SO AS TO PROVIDE RURAL COUNTIES WITH ACCESS TO  
14 FREE EMERGENCY HOSPITAL CARE AND ALLOW  
15 RELICENSURE OF CLOSED RURAL HOSPITALS AS  
16 FREESTANDING EMERGENCY HEALTH CARE FACILITIES  
17 UNDER CERTAIN CIRCUMSTANCES.

18  
19 Be it enacted by the General Assembly of the State of South  
20 Carolina:

21  
22 SECTION 1. Chapter 7, Title 44 of the 1976 Code is amended by  
23 adding:

24  
25 “Article 29

26  
27 South Carolina Rural County Access to Emergency Health Care

28  
29 Section 44-7-4110. This article may be cited as the “South  
30 Carolina Rural County Access to Emergency Health Care Act”.

31  
32 Section 44-7-4120. The purpose of this article is to assist rural  
33 counties in having quality emergency health care available to  
34 residents to promote health, well being, and quality of life and to  
35 assist health care providers in making emergency health services  
36 available in rural counties.

37  
38 Section 44-7-4130. As used in this article:

39 (1) ‘Department’ means the South Carolina Department of  
40 Health and Environmental Control.

41 (2) ‘Freestanding emergency facility’ means a facility  
42 providing emergency health services as defined in Section

1 44-7-130(25) licensed by the South Carolina Department of Health  
2 and Environmental Control pursuant to Section 44-7-270.

3 (3) 'Hospital' has the same definition as defined in Section  
4 44-7-130(12) and is the entity submitting an application to a  
5 governing body for the operation of a freestanding emergency  
6 facility in a rural county.

7 (4) 'Rural County' means a county in South Carolina with a  
8 population less than fifty thousand, according to the most recent  
9 projections of the South Carolina Budget and Control Board,  
10 Office of Research and Statistics, at the time a hospital submits an  
11 application for a freestanding emergency facility.

12  
13 Section 44-7-4140. A freestanding emergency facility must meet  
14 the licensure requirements for providing freestanding emergency  
15 services in accordance with Section 44-7-130(25) and Regulation  
16 61-16, Section 613 including, but not limited to, the requirement to  
17 provide physician coverage twenty-four hours a day and seven  
18 days a week.

19  
20 Section 44-7-4150. (A) Notwithstanding any provision in the  
21 'State Certificate of Need and Health Facility Licensure Act', set  
22 forth in Article 3 of this chapter, a hospital located in a rural  
23 county that has closed and relinquished its license to operate  
24 within three years from the date of closure may reopen the hospital  
25 for purposes of converting to a freestanding emergency facility  
26 pursuant to the provisions of this article without having to obtain a  
27 Certificate of Need.

28 (B) The hospital board shall notify the department no less than  
29 thirty days before the time the board desires to reopen and provide  
30 the department with its reopening plan. The department shall  
31 inspect the hospital facility on a priority basis.

32 (C) To the extent that a portion of the hospital facility identified  
33 in the reopening plan is not in compliance with life safety  
34 standards at its designated reopen time, the department shall  
35 specify a time within which the violations must be corrected."

36  
37 SECTION 2. This act takes effect upon approval by the Governor.

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