



1 obstetrical care, or nursing care for illness, disease, injury,  
2 infirmity, or deformity. Except as otherwise provided by ~~paragraph~~  
3 ~~5 of this subsection~~ paragraph 7 of this section, places where  
4 pregnant females are admitted and receive care incident to  
5 pregnancy, abortion or delivery shall be considered to be a  
6 "hospital" within the meaning of this article, regardless of the  
7 number of patients received or the duration of their stay. The term  
8 "hospital" includes general medical surgical hospitals, specialized  
9 hospitals, critical access ~~and emergency~~ hospitals, emergency  
10 hospitals, rural emergency hospitals, and birthing centers;

11 2. "General medical surgical hospital" means a hospital  
12 maintained for the purpose of providing hospital care in a broad  
13 category of illness and injury;

14 3. "Specialized hospital" means a hospital maintained for the  
15 purpose of providing hospital care in a certain category, or  
16 categories, of illness and injury;

17 4. "Critical access hospital" means a hospital determined by  
18 the State Department of Health to be a necessary provider of health  
19 care services to residents of a rural community;

20 5. "Emergency hospital" means a hospital that provides  
21 emergency treatment and stabilization services on a twenty-four-hour  
22 basis that has the ability to admit and treat patients for short  
23 periods of time;

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1       6. "Rural emergency hospital" means a hospital that provides  
2 emergency treatment and stabilization services for an average length  
3 of stay of twenty-four hours or less;

4       7. "Birthing center" means any facility, place or institution,  
5 which is maintained or established primarily for the purpose of  
6 providing services of a certified midwife or licensed medical doctor  
7 to assist or attend a woman in delivery and birth, and where a woman  
8 is scheduled in advance to give birth following a normal,  
9 uncomplicated, low-risk pregnancy. Provided, however, licensure for  
10 a birthing center shall not be compulsory;

11       ~~7.~~ 8. "Day treatment program" means nonresidential, partial  
12 hospitalization programs, day treatment programs, and day hospital  
13 programs as defined by subsection A of Section 175.20 of Title 10 of  
14 the Oklahoma Statutes; and

15       ~~8.~~

16       9. a. "Primarily engaged" means a hospital shall be  
17 primarily engaged, defined by this section and as  
18 determined by the State Department of Health, in  
19 providing to inpatients the following care by or under  
20 the supervision of physicians:

- 21               (1) diagnostic services and therapeutic services for  
22                       medical diagnosis, treatment and care of injured,  
23                       disabled or sick persons, or

1 (2) rehabilitation services for the rehabilitation of  
2 injured, disabled or sick persons.

3 b. In reaching a determination as to whether an entity is  
4 primarily engaged in providing inpatient hospital  
5 services to inpatients of a hospital, the Department  
6 shall evaluate the total facility operations and  
7 consider multiple factors as provided in subparagraphs  
8 c and d of this subsection.

9 c. In evaluating the total facility operations, the  
10 Department shall review the actual provision of care  
11 and services to two or more inpatients, and the  
12 effects of that care, to assess whether the care  
13 provided meets the needs of individual patients by way  
14 of patient outcomes.

15 d. The factors that the Department shall consider for  
16 determination of whether an entity meets the  
17 definition of primarily engaged include, but are not  
18 limited to:

19 (1) a minimum of four inpatient beds,

20 (2) the entity's average daily census (ADC),

21 (3) the average length of stay (ALOS),

22 (4) the number of off-site campus outpatient  
23 locations,

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- 1 (5) the number of provider-based emergency
- 2 departments for the entity,
- 3 (6) the number of inpatient beds related to the size
- 4 of the entity and the scope of the services
- 5 offered,
- 6 (7) the volume of outpatient surgical procedures
- 7 compared to the inpatient surgical procedures, if
- 8 surgical services are provided,
- 9 (8) staffing patterns, and
- 10 (9) patterns of ADC by day of the week.

11 e. Notwithstanding any other provision of this section,  
12 an entity shall be considered primarily engaged in  
13 providing inpatient hospital services to inpatients if  
14 the hospital has had an ADC of at least two (2) and an  
15 ALOS of at least two (2) midnights over the past  
16 twelve (12) months. A critical access hospital shall  
17 be exempt from the ADC and ALOS determination. ADC  
18 shall be calculated by adding the midnight daily  
19 census for each day of the twelve-month period and  
20 then dividing the total number by days in the year. A  
21 facility that has been operating for less than (12)  
22 months at the time of the survey shall calculate its  
23 ADC based on the number of months the facility has  
24 been operational, but not less than three (3) months.

1 If a first survey finds noncompliance with the ADC and  
2 ALOS, a second survey may be required by the  
3 Department to demonstrate compliance with state  
4 licensure.

5 SECTION 2. This act shall become effective October 1, 2023.

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7 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET, dated  
8 04/13/2023 - DO PASS.  
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