

RULE IMPACT STATEMENT

TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH CHAPTER 667. HOSPITAL STANDARDS

1. **DESCRIPTION:**

667-61-1 will allow for hospitals licensed by the Commissioner of Health to expand or modify bed capacity if certain conditions are met. It also requires hospitals participating in the CMS Hospital Without Walls program to attest to certain requirements being met.

2. **DESCRIPTION OF PERSONS AFFECTED AND COST IMPACT RESPONSE:**

This emergency rule has the potential to affect all Oklahomans who may need hospital care while the rule is in effect as it allows for expanded bed capacity as needs arise.

3. **DESCRIPTION OF PERSONS BENEFITING, VALUE OF BENEFIT AND EXPECTED HEALTH OUTCOMES:**

All Oklahomans will benefit from this rule because hospitals will have increased ability to care for patients when high volumes of patients are hospitalized.

4. **ECONOMIC IMPACT, COST OF COMPLIANCE AND FEE CHANGES:**

There is no expected cost impact associated with this rule change.

5. **COST AND BENEFITS OF IMPLEMENTATION AND ENFORCEMENT TO THE AGENCY:**

There are minimal costs associated with implementation and are related to staff time required to process attestations.

6. **IMPACT ON POLITICAL SUBDIVISIONS:**

There will be no impact on political subdivisions and it will not require their cooperation in implementing or enforcing the proposed amendment.

7. **ADVERSE EFFECT ON SMALL BUSINESS:**

There is no known adverse economic effect on small business as provided by the Oklahoma Small Business Regulatory Flexibility Act.

8. **EFFORTS TO MINIMIZE COSTS OF THE RULE:**

There are no less costly means currently identified.

9. **EFFECT ON PUBLIC HEALTH AND SAFETY:**

This emergency rule will potentially improve health care access for patients needing to be hospitalized while there is an unusually high volume of patients.

10. **DETRIMENTAL EFFECTS ON PUBLIC HEALTH AND SAFETY WITHOUT ADOPTION:**

Without adoption of this rule, hospitals licensed by the Commissioner of Health will not have the ability to expand or modify bed capacity.

11. **PREPARATION AND MODIFICATION DATES:**

This rule impact statement was prepared on August 12, 2021.

**TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH
CHAPTER 667. HOSPITAL STANDARDS**

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 61. Hospital Licensed Bed Capacity [NEW]

310:667-61-1 [NEW]

AUTHORITY:

Commissioner of the Oklahoma State Department of Health; 63 O.S. § 1-104

ADOPTION:

August 12, 2021

EFFECTIVE:

Immediately upon Governor's approval

EXPIRATION:

Effective through September 14, 2022, unless superseded by another rule or disapproved by the Legislature

SUPERSEDED EMERGENCY ACTIONS:

n/a

INCORPORATIONS BY REFERENCE:

n/a

FINDING OF EMERGENCY:

Hospitals experiencing an increase in demand for capacity need the ability to respond to the demand, while at the same time remaining in compliance with the rules of the Oklahoma State Department of Health. The Department has adopted these rules to expedite the process to increase the licensed capacity for available beds when a hospital experiences an unusually high volume of patients.

GIST/ANALYSIS:

The rules in the new Subchapter 61. Hospital Licensed Bed Capacity allow hospitals licensed by the Commissioner of Health to submit an application to expand or modify bed capacity if certain conditions are met. It also requires hospitals participating in the CMS Hospital Without Walls program to attest to certain requirements being met.

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PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING EMERGENCY RULES ARE CONSIDERED PROMULGATED AND EFFECTIVE UPON APPROVAL BY THE GOVERNOR AS SET FORTH IN 75 O.S. SECTION 253(F):

SUBCHAPTER 61. HOSPITAL LICENSED BED CAPACITY

310:667-61-1. Procedures to expand or modify licensed bed capacity

(a) A hospital's licensed bed capacity can be expanded and/or modified, if it submits a letter to the Department that is signed by an authorized hospital authority, notarized and includes the following statements:

(1) the hospital attests that its emergency preparedness plan includes the expanded and/ or modified bed plan and is approved by its governing body;

(2) the hospital attests the location of the modified and/or expanded beds. The location must include:

- (A) the building name and floor number if the modified and/or expanded beds are on the hospital's campus; or
- (B) the physical address if the modified and/or expanded beds are not on the hospital's campus.
- (3) if the hospital is also participating in Centers for Medicare & Medicaid Services' (CMS) Hospital Without Walls program (program), then the hospital attests:
- (A) that its governing body has approved of its participation in the program;
- (B) that it is participating in accordance with CMS requirements; and
- (C) that the portions of the program that it is participating in is not in conflict with state statute.
- (b) Licensed capacity refers to the total number and type of beds a hospital stated in the Hospital Designation of Licensed Beds Form (Form 929) filed with the Department.
- (c) This rule is limited to hospitals licensed by the Commissioner of Health.
- (d) This rule does not affect a hospital's obligation to comply with requirements of other regulatory bodies.
- (e) This rule is effective until the Commissioner of Health determines that the need for hospitals to exceed and/or modify their licensed bed capacity is no longer needed.