

CHAPTER He-P 300 DISEASES

**Readopt with amendment He-P 311, effective 12-10-21 (Document #13304, Emergency), to read as follows:**

PART He-P 311 RULES FOR TEMPORARY ACUTE CARE CENTERS LOCATED WITHIN A HOSPITAL

He-P 311.01 Purpose. The purpose of these rules is to set forth the requirements to establish and operate temporary acute care centers located within a hospital pursuant to RSA 141-C:26, and thereby ensure, through basic standards, the health and safety of individuals in a temporary acute care center located within a hospital.

He-P 311.02 Scope. This part shall apply to any person, agency, partnership, corporation, government entity, association, or other legal entity operating a temporary acute care center. Any facility established under this section shall be exempt from the provisions of RSA 151, except as otherwise required herein.

He-P 311.03 Definitions. As used in this part, unless the context indicates otherwise, the following terms have the following meanings:

(a) “Centers for Medicare and Medicaid Services (CMS)” means the United States Department of Health and Human Services Centers for Medicare and Medicaid Services;

(b) “Commissioner” means the commissioner of the New Hampshire department of health and human services;

(c) “Department” means the New Hampshire department of health and human services; and

(d) “Temporary acute care center” means a facility established for the purpose of the delivery of acute medical services to persons who would normally require admission to an acute care hospital, when there is a public health incident as defined in RSA 508:17-a, II(c) and when the acute care hospitals in the area do not have the physical and human resources necessary to meet the demand or anticipated demand for medical care.

He-P 311.04 Establishment. A temporary acute care center shall only be established with the authorization of the commissioner, following the written approval of the governor, for a temporary duration when there is a public health incident as defined in RSA 508:17-a, II(c) and when the acute care hospitals in the area do not have the physical and human resources necessary to meet the demand or anticipated demand for medical care to persons who would normally require admission to an acute care hospital.

He-P 311.05 Duties and Responsibilities.

(a) The temporary acute care center shall comply with these rules and all applicable CMS regulations, in consideration of any waivers or flexibilities allowable and approved by CMS, under 42 CFR 482 and 42 CFR 485 in effect throughout the duration of the operation of the temporary acute care center, including, but not limited to:

- (1) Facility and staffing requirements;
- (2) Screening and admission criteria;
- (3) Payment and reimbursements;
- (4) Clinical standards;
- (5) Recordkeeping;
- (6) Patient rights; and
- (7) Discharge criteria.

(b) The temporary acute care center shall comply with all provisions of RSA 151:21, except when the health or safety of the individual or other patients would be endangered.

(c) If notified by CMS that the temporary acute care center is out of compliance with (a) above to the extent that the health or safety of individuals are in jeopardy, the department shall withdraw the temporary acute care center's designation.

He-P 311.06 Payment and Reimbursement. The temporary acute care center shall follow its established procedures for the billing of services rendered.

He-P 311.07 Immunity. For the purposes of immunity, actions taken pursuant to this section shall be considered an emergency management function under RSA 21-P:41, I.

### Appendix

<b>Rule</b>	<b>Specific State or Federal Statutes the Rule Implements</b>
He-P 311.01	RSA 141-C:26
He-P 311.02	RSA 141-C:26
He-P 311.03	RSA 141-C:26
He-P 311.04	RSA 141-C:26
He-P 311.05	RSA 141-C:26
He-P 311.06	RSA 141-C:26
He-P 311.07	RSA 141-C:26