

**§482.11(b) The hospital must be--**

- (1) Licensed; or**
- (2) Approved as meeting standards for licensing established by the agency of the State or locality responsible for licensing hospitals.**

**Interpretive Guidelines §482.11(b)**

Hospitals applying for initial Medicare certification as a hospital or hospitals currently participating in Medicare must, among other things, meet the statutory definition of a hospital under section 1861(e) of the Act. Section 1861(e)(7) of the Act further requires that a hospital located in a state which provides for the licensing of hospitals, the hospital must be licensed in accordance with state law or approved as meeting standards for licensing as established by the agency of the State or locality responsible for the licensing of hospitals.

While a facility may have a license from a state to operate as a hospital or may have been approved by a state as a hospital under state or local standards and authorities, that facility may still not meet the Medicare definition of a hospital as per the Act. The criteria used by a state to determine that a hospital meets the requirements for state licensure as a hospital is not the same criteria used to define a hospital for the purpose of participation in Medicare, and each state has its own criteria and standards for licensure.

The definition of a hospital and the issue of whether the facility is Primarily Engaged are

issues not applicable to a Critical Access Hospital (CAH).

### **Survey Procedures §482.11(b)**

- Prior to the survey, determine whether the hospital has a current license by the state or local authority in which it operates, or, if it is located within a State that does not license hospitals, verify that the responsible State agency has approved the hospital as meeting the State's established standards for the licensing of hospitals.