

HOUSE No. 1965

The Commonwealth of Massachusetts

PRESENTED BY:

Ronald Mariano

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to urgent care centers.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Ronald Mariano</i>	<i>3rd Norfolk</i>	<i>1/18/2019</i>
<i>Carmine Lawrence Gentile</i>	<i>13th Middlesex</i>	<i>2/1/2019</i>

HOUSE No. 1965

By Mr. Mariano of Quincy, a petition (accompanied by bill, House, No. 1965) of Ronald Mariano and Carmine Lawrence Gentile relative to urgent care centers. Public Health.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-First General Court
(2019-2020)

An Act relative to urgent care centers.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Said chapter 111 is hereby further amended by inserting after section 51K,
2 inserted by section 46 of chapter 47 of the acts of 2017 the following section:-

3 Section 51L. (a) For the purposes of this section the following words shall, unless the
4 context clearly requires otherwise, have the following meanings:-

5 “Corporately affiliated”, any relationship between two Entities that reflects, directly or
6 indirectly, a partial or complete controlling interest or partial or complete common control

7 “Emergency services”, as defined in section 1 of chapter 6D.

8 “Freestanding urgent care center”, a facility owned or operated by an entity , however
9 organized, whether conducted for profit or not for profit, which is advertised, announced,
10 established, or maintained for the purpose of providing urgent care services in an office or a
11 group of offices, or any portion thereof; provided, however, that “urgent care center” shall not
12 include: (i) a hospital licensed under section 51 or operated by the federal government or by the

commonwealth, , (ii) an institutional urgent care center licensed under this section, (iii) a clinic licensed under section 51, (iv) a limited service clinic licensed under section 51J; or (v) a community health center receiving a grant under 42 U.S.C. 254b.

“Institutional urgent care center”, the physical portion or satellite unit of a hospital licensed under section 51, or a facility that is corporately affiliated with a hospital licensed under section 51, which is advertised, announced, established, or maintained for the purpose of providing urgent care services; provided, however, that “institutional urgent care center” shall not include: (i) the emergency department of a hospital licensed under section 51 or operated by the federal government or by the commonwealth,(ii) a freestanding urgent care center licensed under this section (ii) a clinic licensed under section 51, (iii) a limited service clinic licensed under section 51J or (iv) a community health center receiving a grant under 42 U.S.C. 254b.

“Manager of record” or “physician in charge”, a principle agent for an institutional urgent care center or a physician licensed under chapter 112 who signs the application for a freestanding urgent care center and assumes full legal responsibility for the operation of the relevant freestanding urgent care center in a manner complying with the laws and regulations for the practice of medicine and the delivery of urgent care services.

“Urgent care services” a model of episodic care for the diagnosis, treatment, management or monitoring of acute and chronic disease or injury that is: (i) for the treatment of illness or injury that is immediate in nature but does not require emergency services; (ii) provided on a walk-in basis without a prior appointment; (iii) available to the general public during times of the day, weekends or holidays when primary care provider offices are not customarily open; and (iv) is not intended, and should not be used for, preventative or routine services.

(b)(i) The department shall establish rules, regulations, and uniform standards for the licensing of freestanding urgent care centers. In determining regulations and uniform standards necessary for licensure as a freestanding urgent care center, the department may, at its discretion determine which regulations applicable to a clinic licensed under section 51, shall apply to a freestanding urgent care center pursuant to this subsection.

(ii) The department shall establish rules, regulations, and uniform standards for the urgent care services performed at freestanding urgent care centers. In determining regulations and uniform standards necessary for licensure as a freestanding urgent care center, the department may, at its discretion determine which regulations applicable to a clinic licensed under section 51, shall apply to a freestanding urgent care center pursuant to this subsection, provided, that regulations established by the department concerning the administration and management of an freestanding urgent care clinic license shall minimize regulatory and reporting duplication.

(iii) The department shall issue for a term of 2 years, and renew for a like term, a license to maintain a freestanding urgent care center to an entity or organization that demonstrates to the department that it is responsible and suitable to maintain such a center. In the case of the transfer of ownership of a freestanding urgent care center, the application of the new owner for a license, when filed with the department on the date of transfer of ownership, shall have the effect of a license for a period of 6 months.

(iv) A freestanding urgent care center shall designate a manager of record who shall disclose to the department the location, name and title of all principal managers; the name and Massachusetts license number of the designated manager of record; and who shall report any

change in office, corporate office or manager of record to the department within 30 days of such change.

(v) A freestanding urgent care center license shall be valid only for the premises and shall list the specific locations on the premises where a licensee renders urgent care services.

(c)(i) The department shall establish rules, regulations, and uniform standards for the licensing of institutional urgent care centers. In determining regulations and uniform standards necessary for licensure as an institutional urgent care center, the department may, at its discretion determine which regulations applicable to a clinic licensed under section 51, shall apply to an institutional urgent care center pursuant to this subsection, provided, that regulations established by the department concerning the administration and management of an institutional urgent care clinic license shall minimize regulatory and reporting duplication.

(ii) The department shall establish rules, regulations, and uniform standards for the urgent care services performed at institutional urgent care centers. In determining regulations and uniform standards necessary for licensure as an institutional urgent care center, the department may, at its discretion determine which regulations applicable to a clinic licensed under section 51, shall apply to an institutional urgent care center pursuant to this subsection, provided, that regulations established by the department concerning the administration and management of an institutional urgent care clinic license shall minimize regulatory and reporting duplication.

(iii) The department shall issue for a term of 2 years, and renew for a like term, a license to maintain an institutional urgent care center to an entity or organization that demonstrates to the department that it is responsible and suitable to maintain such a center. In the case of the transfer of ownership or change in hospital affiliation of an institutional urgent care center, the

application of the new owner or affiliated hospital for a license, when filed with the department on the date of transfer of ownership or change in affiliation, shall have the effect of a license for a period of 6 months.

(iv) A institutional urgent care center shall designate a manager of record who shall disclose to the department the location, name and title of all principal managers; the name and Massachusetts license number of the designated manager of record; and who shall report any change in office, corporate office or manager of record to the department within 30 days of such change.

(v) An institutional urgent care center license shall be valid only for the premises and shall list the specific locations on the premises where a licensee renders urgent care services.

(d) A freestanding urgent care center license or institutional urgent care center license shall be subject to suspension, revocation or refusal to issue or to renew for cause if, in its reasonable discretion, the department determines that the issuance of such license would be inconsistent with or opposed to the best interests of the public health, welfare or safety. Nothing in this section shall limit the authority of the department to require a fee, impose a fine, conduct surveys and investigations or to suspend, revoke or refuse to renew a license pursuant to subsections (b) or (c).

(e) Initial application and renewal fees for freestanding urgent care centers and institutional urgent care centers licenses shall be established pursuant to section 3B of chapter 7.

(f) The department may impose a fine of up to \$10,000 on a person or entity that advertises, announces, establishes, or maintains a freestanding urgent care center or an institutional urgent care center without a license granted by the department. The department may

100 impose a fine of not more than \$10,000 on a licensed freestanding urgent care center or a
101 licensed institutional urgent care center that violates this section or any rule or regulation
102 promulgated hereunder. Each day during which a violation continues shall constitute a separate
103 offense. The department may conduct surveys and investigations to enforce compliance with this
104 section.

105 (g) Notwithstanding any general or special rule to the contrary, the department may issue
106 a 1-time provisional license to an applicant for a freestanding urgent care center licensed
107 pursuant to subsection (b) or an institutional urgent care center licensed pursuant to subsection
108 (c) if such freestanding urgent care center or institutional urgent care center holds a current
109 accreditation from the Accreditation Association for Ambulatory Health Care, Urgent Care
110 Association of America, or The Joint Commission, or holds a current certification for
111 participation in either Medicare or Medicaid. The department may approve such provisional
112 application upon a finding of responsibility and suitability and that the freestanding urgent care
113 center or institutional urgent care center meets all other licensure requirements as determined by
114 the department. Such provisional license issued to a freestanding urgent care center or
115 institutional urgent care center shall not be extended or renewed.

116 (h) Notwithstanding any general or special rule to the contrary, there shall be an urgent
117 care licensing advisory committee to the department, to be chaired by the commissioner of
118 public health, or a designee, and which shall consist of the following members, to be appointed
119 by the commissioner of public health: a representative of the Massachusetts Health and Hospital
120 Association; a representative of the Massachusetts College of Emergency Physicians; a
121 representative of the Massachusetts Academy of Family Physicians; a representative of the
122 Massachusetts Association of Ambulatory Surgical Centers; a representative of an urgent care

123 center operated or affiliated with a hospital licensed under section 51; and a representative of a
124 freestanding urgent care center. The department shall consult with the advisory committee prior
125 to the adoption of regulations applicable to freestanding urgent care centers licensed under
126 subsection (b) and institutional urgent care centers licensed under subsection (c) of section 51L
127 of chapter 111.

128 SECTION 2. Said chapter 111 is hereby further amended by striking out section 52, as
129 appearing in the 2016 Official Edition, and inserting in place thereof the following section:-

130 Section 52. For the purposes of sections 51 to 56, inclusive, the following words shall,
131 unless the context clearly requires otherwise, have the following meanings:-

132 “Certified clinical specialist in psychiatric and mental health nursing”, an advanced
133 practice registered nurse licensed and authorized by the Board of Registration in Nursing
134 pursuant to sections 74 and 80B of chapter 112 that holds certification from a board-recognized
135 certifying organization in the field of psychiatric mental health.

136 “Hospital”, any institution, however named, whether conducted for charity or for profit,
137 which is advertised, announced, established or maintained for the purpose of caring for persons
138 admitted thereto for diagnosis, medical, surgical or restorative treatment which is rendered
139 within said institution.

140 “Institution for unwed mothers”, any institution or place, however named, whether
141 conducted for charity or profit which is advertised, announced, established or maintained for the
142 purpose of caring for 1 or more unwed mothers admitted thereto, on a resident basis, for prenatal
143 care, supervision and short-term postnatal care.

“Limited services”, diagnosis, treatment, management and monitoring of acute and chronic disease, wellness and preventative services of a nature that may be provided within the scope of practice of a nurse practitioner using available facilities and equipment, including shared toilet facilities for point-of-care testing.

“Limited services clinic”, a clinic that provides limited services as defined by section 51J.

“Urgent care center”, a clinic that is licensed to provide urgent care services pursuant to subsection (b) or subsection (c) of section 51L

“Clinic”, any entity, however organized, whether conducted for profit or not for profit, which is advertised, announced, established, or maintained for the purpose of providing ambulatory medical services, surgical services, dental services, limited services, office-based surgical services, physical rehabilitation services, mental health services or urgent care services; provided, however, that except for a limited service clinic licensed under section 51J or an urgent care center licensed under section 51L, “clinic” shall not include a medical office building, or 1 or more practitioners engaged in a solo or group practice, whether conducted for profit or not for profit, and however organized, so long as such practice is wholly owned and controlled by 1 or more of the practitioners so associated, or, in the case of a not for profit organization, its only members are 1 or more of the practitioners so associated or a clinic established solely to provide service to employees or students of such corporation or institution. For purposes of this section, clinic shall not include a clinic conducted by a hospital licensed under section 51 or operated by the federal government or by the commonwealth.

164 “Original license”, a license issued to a hospital, institution for unwed mothers or clinic,
165 not previously licensed; or a license issued to an existing hospital, institution for unwed mothers
166 or clinic, in which there has been a change in ownership or location.

167 “Out-of-hospital dialysis unit”, a unit, however named, maintained separately from a
168 hospital or a license issued thereto, whether conducted for charity or for profit, for the purpose of
169 providing dialysis treatment to persons suffering from renal disease. It shall not include a dialysis
170 unit maintained as part of a hospital.

171 “Practitioner”, any individual who may diagnose and treat medical, surgical, dental,
172 physical rehabilitation, or mental health problems without limitation within the confines of his or
173 her profession.

174 “Rural hospital”, an acute-care hospital as defined in section 25B and licensed under this
175 chapter, which: (1) has been designated by the department as a rural hospital based on bed size,
176 city or town population, and population density of the city, town, service area or county as
177 determined by the department through regulation; or (2) a hospital currently designated as a
178 critical access hospital by the United States Department of Health and Human Services in
179 accordance with federal regulations and state requirements.