



General Assembly

Amendment

February Session, 2018

LCO No. 4382



Offered by:

SEN. LOONEY, 11th Dist.

SEN. FASANO, 34th Dist.

To: Subst. Senate Bill No. 303

File No. 468

Cal. No. 301

"AN ACT CONCERNING OUTPATIENT CLINICS, URGENT CARE CENTERS AND FREESTANDING EMERGENCY DEPARTMENTS."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Subsection (l) of section 19a-508c of the 2018 supplement
4 to the general statutes is repealed and the following is substituted in
5 lieu thereof (*Effective October 1, 2018*):

6 (l) Notwithstanding the provisions of this section, [on and after
7 January 1, 2017,] no hospital, health system or hospital-based facility
8 shall collect a facility fee for (1) outpatient health care services that use
9 a current procedural terminology evaluation and management (CPT
10 E/M) code and are provided at a hospital-based facility [, other than a
11 hospital emergency department,] located off-site from a hospital
12 campus, or (2) outpatient health care services [, other than those
13 provided in an emergency department] provided at a hospital-based
14 facility located off-site from a hospital campus, received by a patient

15 who is uninsured of more than the Medicare rate. Notwithstanding the
16 provisions of this subsection, in circumstances when an insurance
17 contract that is in effect on July 1, 2016, provides reimbursement for
18 facility fees prohibited under the provisions of this section, a hospital
19 or health system may continue to collect reimbursement from the
20 health insurer for such facility fees until the date of expiration of such
21 contract. A violation of this subsection shall be considered an unfair
22 trade practice pursuant to chapter 735a. The provisions of this
23 subsection shall not apply to a freestanding emergency department. As
24 used in this subsection, "freestanding emergency department" means a
25 free-standing facility that (A) is structurally separate and distinct from
26 a hospital, (B) provides emergency care, (C) is a department of a
27 hospital licensed under chapter 368v, and (D) has been issued a
28 certificate of need to operate as a freestanding emergency department
29 pursuant to chapter 368z.

30 Sec. 2. Section 19a-493d of the 2018 supplement to the general
31 statutes is repealed and the following is substituted in lieu thereof
32 (*Effective October 1, 2018*):

33 (a) For purposes of this section:

34 (1) "Outpatient clinic" means an organization operated by a
35 municipality or a corporation, other than a hospital, that provides (A)
36 ambulatory medical care, including preventive and health promotion
37 services, (B) dental care, or (C) mental health services in conjunction
38 with medical or dental care for the purpose of diagnosing or treating a
39 health condition that does not require the patient's overnight care;
40 [and]

41 (2) "Urgent care center" means a [free-standing] facility,
42 distinguished from an emergency department or primary care setting,
43 that is licensed as an outpatient clinic under section 19a-491 and that
44 (A) provides [treatment of medical conditions that do not require
45 critical or emergent intervention for a life-threatening or potentially
46 permanent disabling condition] urgent care services, as defined in 42

47 CFR 405.400, (B) offers [treatment of such conditions] such services
48 without requiring an appointment, [and] (C) provides services during
49 times of the day, weekends or holidays when primary care provider
50 offices are not customarily open to patients, and (D) offers, at a
51 minimum, the following: (i) Diagnostic imaging, (ii) administration of
52 fluids intravenously, and (iii) ability to employ minimal resuscitative
53 methods; and

54 (3) "Freestanding emergency department" means a free-standing
55 facility that (A) is structurally separate and distinct from a hospital, (B)
56 provides emergency care, (C) is a department of a hospital licensed
57 under chapter 368v, and (D) has been issued a certificate of need to
58 operate as a freestanding emergency department pursuant to chapter
59 368z.

60 (b) On or after April 1, 2018, no person acting individually or jointly
61 with any other person shall establish, conduct, operate or maintain an
62 urgent care center without obtaining a license as an outpatient clinic
63 under section 19a-491 from the Department of Public Health.

64 (c) The Commissioner of Public Health may implement policies and
65 procedures as necessary to carry out the provisions of this section
66 while in the process of adopting the policies and procedures as
67 regulations, provided notice of intent to adopt the regulations is
68 published in accordance with the provisions of chapter 54.

69 (d) The Commissioner of Social Services may establish rates of
70 payment to providers practicing in urgent care centers. The
71 Commissioner of Social Services may implement policies and
72 procedures as necessary to carry out the provisions of this section
73 while in the process of adopting the policies and procedures as
74 regulations, provided notice of intent to adopt the regulations is
75 published in accordance with the provisions of section 17b-10 not later
76 than twenty days after the date of implementation.

77 (e) A freestanding emergency department shall clearly identify itself
78 as a hospital emergency department, including, at a minimum,

79 through prominent lighted external signage that includes the word
80 "emergency" and states the name of the hospital.

81 (f) A freestanding emergency department shall post signs
82 conspicuously at locations that are readily accessible to and visible by
83 patients, including at the entrance to the facility and in patient waiting
84 areas, stating: "THIS IS A HOSPITAL EMERGENCY DEPARTMENT".

85 (g) If a freestanding emergency department does not include within
86 its facility an urgent care center or primary care center or clinic, the
87 sign required pursuant to subsection (f) of this section shall include the
88 following statement immediately following the statement specified in
89 subsection (f) of this section: "THIS IS NOT AN URGENT CARE OR
90 PRIMARY CARE CENTER".

91 (h) If a freestanding emergency department includes within its
92 facility an urgent care center or primary care center or clinic, the sign
93 required pursuant to subsection (f) of this section shall, immediately
94 following the statement specified in subsection (f) of this section,
95 include information on the location, hours, contact information and
96 services provided by such center or clinic.

97 (i) The provisions of subsections (e) to (h), inclusive, of this section
98 shall be in addition to any other signage or notice requirements of any
99 other state or federal law.

100 (j) The Office of Health Care Access may adopt regulations, in
101 accordance with chapter 54, to implement the provisions of this
102 section."

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2018	19a-508c(l)
Sec. 2	October 1, 2018	19a-493d