



General Assembly

**Amendment**

February Session, 2018

LCO No. 4009



Offered by:

SEN. LOONEY, 11<sup>th</sup> Dist.

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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4 to the general statutes is repealed and the following is substituted in  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31 statutes is repealed and the following is substituted in lieu thereof  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, distinguished  
42 from an emergency department or primary care setting, that is licensed  
43 as an outpatient clinic under section 19a-491 and that (A) provides  
44 [treatment of medical conditions that do not require critical or  
45 emergent intervention for a life-threatening or potentially permanent  
46 disabling condition] urgent care services, as defined in 42 CFR 405.400,

47 (B) offers [treatment of such conditions] such services without  
48 requiring an appointment, [and] (C) provides services during times of  
49 the day, weekends or holidays when primary care provider offices are  
50 not customarily open to patients, and (D) offers, at a minimum, the  
51 following: (i) Diagnostic imaging, (ii) phlebotomy services, (iii)  
52 administration of fluids intravenously and intramuscularly, and (iv)  
53 ability to employ minimal resuscitative 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 hold itself  
78 out to the public and payers as being a hospital emergency

79 department, including, at a minimum, by using the term "emergency  
80 department" and stating the name of the hospital in its signage,  
81 marketing materials, Internet web sites, billing statements and  
82 stationery.

83 (f) A freestanding emergency department shall post signs  
84 conspicuously at locations that are readily accessible to and visible by  
85 patients, including at the entrance to the facility and in patient waiting  
86 areas, stating (1) that the facility is a hospital emergency department,  
87 (2) the name of the hospital, and (3) that the facility may charge  
88 hospital facility fees and emergency department rates that result in  
89 financial liability that is greater than the patient would incur if the  
90 facility were not a hospital emergency department.

91 (g) When registering, checking in or being admitted to a  
92 freestanding emergency department, or for emergency care as  
93 provided for in subsection (h) of this section, a patient shall be given  
94 written notice by the freestanding emergency department indicating  
95 (1) that the facility is a hospital emergency department, (2) the name of  
96 the hospital, and (3) that it may charge facility fees and emergency  
97 department rates that result in financial liability that is greater than the  
98 patient would incur if the facility were not a hospital emergency  
99 department.

100 (h) For emergency care, the written notice required in subsection (g)  
101 of this section shall be provided as soon as practicable after the patient  
102 has been stabilized in accordance with the federal Emergency Medical  
103 Treatment and Active Labor Act, 42 USC 1395dd, as amended from  
104 time to time, or is determined not to have an emergency medical  
105 condition and before the patient leaves the freestanding emergency  
106 department. If the patient is unconscious, under great duress or for  
107 any other reason unable to read the notice and understand and act on  
108 his or her rights, the notice shall be provided to the patient's  
109 representative as soon as practicable.

110 (i) The provisions of subsections (e) to (h), inclusive, of this section

111 shall be in addition to any other signage or notice requirements of any  
112 other state or federal law."

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