

ASSEMBLY, No. 2209

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblyman JOHN F. MCKEON

District 27 (Essex and Morris)

Assemblywoman JOANN DOWNEY

District 11 (Monmouth)

SYNOPSIS

Establishes registration and operational requirements for retail health clinics and urgent care facilities.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** concerning retail health clinics and urgent care facilities
2 and supplementing Title 26 of the Revised Statutes.

3

4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6

7 1. a. As used in this act:

8 “Chief customer service officer” means the individual at a retail
9 health clinic or urgent care facility who serves as the point of
10 contact for consumer complaints, appeals, and inquiries.

11 “Commissioner” means the Commissioner of Health.

12 “Department” means the Department of Health.

13 “Health care professional” means a physician, physician
14 assistant, nurse, or other health care professional whose
15 professional practice is regulated pursuant to Title 45 of the Revised
16 Statutes.

17 “Medical supervisor” means a physician licensed in New Jersey
18 who is responsible for overseeing all health care services provided
19 at a retail health clinic or urgent care facility. A person may
20 simultaneously serve as operational supervisor and medical
21 supervisor at a retail health clinic or urgent care facility, provided
22 the person does not have a supervisory role at more than three retail
23 health clinics or urgent care facilities.

24 “Operational supervisor” means the person responsible for
25 overseeing the overall and day-to-day operations of a retail health
26 clinic or urgent care facility. A person may simultaneously serve as
27 operational supervisor and medical supervisor at a retail health
28 clinic or urgent care facility, provided the person does not have a
29 supervisory role at more than three retail health clinics or urgent
30 care facilities.

31 “Retail health clinic” means a health care facility located within
32 a retail store, supermarket, pharmacy, or similar retail outlet that
33 offers episodic, walk-in care for a limited set of acute conditions.
34 Health care services provided at a retail health clinic shall be
35 limited to preventative and wellness care, vaccine administration,
36 and related services.

37 “Urgent care facility” means a health care facility that offers
38 episodic, walk-in care for the treatment of acute, but not life-
39 threatening, health conditions.

40 b. Each retail health clinic and urgent care facility operating in
41 the State that is not otherwise licensed as an ambulatory care
42 facility shall register with the department on an annual basis. The
43 clinic or facility shall submit, as part of its annual registration, the
44 following information: the registrant’s location and hours of
45 operation; the names of the registrant’s medical supervisor,
46 operational supervisor, and chief customer service officer; the
47 names of any health care professionals employed by or affiliated
48 with the registrant; the nature and scope of the health care services

1 provided and the conditions treated at the clinic or facility; and any
2 other information as may be required by the department. Registry
3 information for retail health clinics and urgent care facilities shall
4 be made available on the department's Internet website.

5 c. The operational supervisor of each retail health clinic or
6 urgent care facility registered pursuant to this section shall be
7 responsible for ensuring the clinic or facility is compliant with all
8 State and federal requirements regarding: patient privacy and
9 confidentiality of patient information; creation, maintenance,
10 security, retention, and access to medical records, including making
11 records available to patients and primary care providers consistent
12 with the provisions of subsection d. of this section; ensuring proper
13 credentialing of health care professionals employed by or
14 professionally affiliated with the clinic or facility; vaccine reporting
15 requirements; and prohibitions against making self-interested
16 referrals and engaging in unlawful patient steering practices.

17 d. (1) A retail health clinic or urgent care facility shall, upon
18 request by the patient or a person authorized to make health care
19 decisions on behalf of the patient, forward a copy of the patient's
20 treatment record to the patient's primary care provider. Records
21 forwarded to the patient's primary care provider may be transmitted
22 in any form that can be accessed by the primary care provider,
23 including, but not limited to, mail, facsimile, electronic mail, or an
24 electronic health records system. Records forwarded to a primary
25 care provider shall be transmitted no later than five days after the
26 date the request is made or the date the results of any testing
27 performed as part of the provision of health care services to the
28 patient become available, whichever is later.

29 (2) A retail health clinic or urgent care facility shall, upon
30 request by the patient or a person authorized to make health care
31 decisions on behalf of the patient, make a copy of the patient's
32 treatment record available to the patient no later than 24 hours after
33 the request is made. If the treating professional states, in writing,
34 that providing the patient with a copy of the record is not medically
35 advisable, the record shall be provided to a person authorized to
36 make health care decisions on behalf of the patient.

37 (3) A retail health clinic or urgent care facility shall not charge a
38 fee for furnishing or forwarding copies of patient treatment records
39 that exceed the actual costs incurred by the clinic or facility in
40 furnishing or forwarding the record.

41 e. Each patient who receives health care services at a retail
42 health clinic or urgent care facility shall be urged by the treating
43 professional to follow up with the patient's primary care provider.
44 If the patient does not have a primary care provider, the retail health
45 clinic or urgent care facility shall offer to assist the patient in
46 locating a primary care provider.

47 f. Except in emergent circumstances, retail health clinics and
48 urgent care facilities shall not provide health care services to

- 1 individuals younger than 18 years of age or to individuals currently
2 enrolled in the Medicaid or NJ FamilyCare programs.
- 3 g. The operational supervisor of each retail health clinic and
4 urgent care facility shall insure that a written summary of the rights
5 set forth in section 2 of this act be given to the patient or to the
6 person authorized to make health care decisions on behalf of the
7 patient prior to the provision of health care services, and that a
8 written notice listing these rights is posted in a conspicuous place in
9 the clinic or facility.
- 10
- 11 2. Every person receiving health care services at a retail health
12 clinic or urgent care facility shall have the right:
- 13 a. To considerate and respectful care consistent with sound
14 nursing and medical practices, which shall include being informed
15 of the name and licensure status of any health care professional or
16 staff member who examines, observes, or treats the patient;
- 17 b. To obtain from the treating professional complete, current
18 information concerning the patient's diagnosis, treatment, and
19 prognosis in terms the patient can reasonably be expected to
20 understand. When it is not medically advisable to give this
21 information to the patient, it shall be made available to a person
22 authorized to make health care decisions on behalf of the patient;
- 23 c. To receive from the treating professional information
24 necessary to give informed consent prior to the start of any
25 procedure or treatment and which, except for those emergency
26 situations not requiring informed consent, shall include, at a
27 minimum, explanations of: the specific procedure or treatment to be
28 provided; the medically significant risks involved; the possible
29 duration of incapacitation, if any; and the significance of the
30 patient's informed consent. The patient shall be advised of any
31 medically significant alternatives for care or treatment; however,
32 this does not include experimental treatments that are not yet
33 accepted by the medical establishment;
- 34 d. To refuse treatment to the extent permitted by law and to be
35 informed of the medical consequences of refusing treatment;
- 36 e. To privacy to the extent consistent with providing adequate
37 medical care to the patient. This shall not preclude discussion of a
38 patient's case or examination of a patient by appropriate health care
39 professionals and staff members;
- 40 f. To privacy and confidentiality of all records pertaining to
41 the patient's treatment, except as otherwise provided by law or third
42 party payment contract, and to be provided with access to, and a
43 copy of, those records upon request as provided in subsection d. of
44 section 1 of this act;
- 45 g. To expect that, within its capacity, the retail health clinic or
46 urgent care facility will make reasonable efforts to respond to the
47 patient's request for services;

1 h. To be informed by the treating professional of any
2 continuing health care requirements which may follow the provision
3 of services and to receive assistance from the treating professional
4 and appropriate staff in arranging for required follow-up care;

5 i. To be advised of any significant beneficial interests held by
6 the retail health clinic or urgent care facility in any service which
7 may be recommended for the patient or to which the patient may be
8 referred, including any referrals to a primary care provider
9 furnished pursuant to subsection e. of section 1 of this act;

10 j. To examine and receive an explanation of the patient's bill,
11 regardless of source of payment, and to receive information or be
12 advised on the availability of sources of financial assistance to help
13 pay for the patient's care, as necessary;

14 k. To expect reasonable continuity of care;

15 l. To be advised of any rules or requirements of the retail
16 health clinic or urgent care facility applicable to the patient's
17 conduct as a patient; and

18 m. To treatment without discrimination as to race, age, religion,
19 sex, national origin, or source of payment.
20

21 3. The Commissioner of Health shall, pursuant to the
22 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
23 seq.), adopt rules and regulations to implement the provisions of
24 this act, which may include, but shall not be limited to,
25 requirements regarding the nature, scope, and specific health care
26 services that may be provided at retail health clinics and urgent care
27 facilities and any additional standards and requirements for the
28 operation of retail health clinics and urgent care facilities as may be
29 appropriate.
30

31 4. This act shall take effect 90 days after the date of enactment.
32
33

34 STATEMENT

35

36 This bill establishes an annual registration requirement and
37 certain operational requirements for retail health clinics and urgent
38 care facilities. Retail health clinics are health care facilities that are
39 located within a retail store, supermarket, pharmacy, or similar
40 retail outlet that offer walk-in services limited to preventative and
41 wellness care, vaccine administration, and related services. Urgent
42 care facilities are health care facilities that offer episodic, walk-in
43 care for the treatment of acute, but not life-threatening, health
44 conditions.

45 Each retail health clinic and urgent care facility that is not
46 otherwise licensed as an ambulatory care facility will be required to
47 register with the Department of Health on an annual basis. The
48 clinic or facility will be required to submit with its annual

1 registration information concerning: its location and hours of
2 operation; the names of its medical supervisor, operational
3 supervisor, and chief customer service officer; the names of any
4 health care professionals employed by or affiliated with the clinic or
5 facility; the nature and scope of health care services provided and
6 conditions treated at the clinic or facility; and any other information
7 as may be required by the department. Registry information for
8 retail health clinics and urgent care facilities will be made available
9 on the department's Internet website.

10 The operational supervisor of each clinic or facility will be
11 responsible for ensuring the clinic or facility is compliant with all
12 State and federal requirements regarding patient privacy and the
13 confidentiality of patient information, medical records, proper
14 credentialing of affiliated health care professionals, vaccine
15 reporting requirements, and prohibitions against self-interested
16 referrals and patient steering practices. The medical supervisor of
17 each clinic or facility is responsible for overseeing all health care
18 services provided at a retail health clinic or urgent care facility. A
19 person may simultaneously serve as operational supervisor and
20 medical supervisor at a retail health clinic or urgent care facility,
21 provided the person does not have a supervisory role at more than
22 three retail health clinics or urgent care facilities. Each retail health
23 clinic and urgent care facility is to have a chief customer service
24 officer, who will serve as the point of contact for consumer
25 complaints, appeals, and inquiries.

26 Retail health clinics and urgent care facilities will be required to
27 make the patient's treatment record available to the patient upon
28 request, and to furnish a copy to the patient's primary care provider
29 upon request. Records are to be forwarded to the patient's primary
30 care provider no later than five days after the request is made or any
31 related testing is completed, whichever is later, and may be
32 transmitted in any form that can be accessed by the primary care
33 provider. The fees charged for furnishing or forwarding copies of
34 the patient's treatment record are not to exceed the actual costs of
35 providing the records. If the treating professional indicates in
36 writing that it is not medically advisable to provide a copy of the
37 medical record to the patient, the record will be provided to a
38 person authorized to make health care decisions on the patient's
39 behalf.

40 Patients receiving health care services at a retail health clinic or
41 urgent care facility are to be urged by the treating professional to
42 follow up with the patient's primary care provider. If the patient
43 does not have a primary care provider, the retail health clinic or
44 urgent care facility will be required to offer to assist the patient in
45 locating a primary care provider.

46 Except in emergent circumstances, retail health clinics and
47 urgent care facilities will be prohibited from providing health care
48 services to individuals younger than 18 years of age or to

1 individuals currently enrolled in the Medicaid or NJ FamilyCare
2 programs.

3 The bill establishes an enumerated list of patient rights. The
4 operational supervisor of each retail health clinic and urgent care
5 facility will be required to insure that a written summary of these
6 rights is given to the patient or the person authorized to make health
7 care decisions on behalf of the patient prior to the provision of
8 health care services, and that a written notice listing these rights is
9 posted in a conspicuous place in the clinic or facility.

10 The commissioner will be permitted to adopt rules and
11 regulations concerning retail health clinics and urgent care
12 facilities, including requirements regarding the nature, scope, and
13 specific health care services that may be provided at retail health
14 clinics and urgent care facilities, as well as any additional standards
15 and requirements for the operation of retail health clinics and urgent
16 care facilities as may be appropriate.