

ASSEMBLY, No. 3026

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED FEBRUARY 20, 2020

Sponsored by:

Assemblywoman PAMELA R. LAMPITT

District 6 (Burlington and Camden)

SYNOPSIS

Requires retail health clinics to develop policies and procedures identifying services provided by the clinics.

CURRENT VERSION OF TEXT

As introduced.



1 **AN ACT** concerning retail health clinics and supplementing Title 26
2 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. Notwithstanding any other law to the contrary, a retail
8 health clinic operating in this State shall develop policies and
9 procedures concerning the services the clinic will provide to
10 patients visiting the clinic for treatment. The clinic shall submit the
11 policies and procedures to the State Board of Medical Examiners
12 for review and approval, and the board shall establish appropriate
13 timelines for the clinics to follow in developing such policies and
14 procedures.

15 b. The policies and procedures developed by a retail clinic
16 pursuant to subsection a. of this section shall include, at a
17 minimum:

18 (1) a requirement that the clinic is accredited by an accrediting
19 body such as the Joint Commission or a nationally recognized
20 accrediting organization with comparable standards, and maintains
21 such accreditation;

22 (2) protocols for reporting to the State Board of Medical
23 Examiners when the clinic loses its accreditation and the reasons for
24 the loss of accreditation;

25 (3) guidelines for clinical practice for:

26 (a) diagnosing and treating patients;

27 (b) determining when a patient's needs are beyond the scope of
28 the services the clinic provides or the scope of practice of the health
29 care professionals employed by or contracted with the clinic,
30 including consulting with a primary care physician or other licensed
31 health care provider when clinic practitioners cannot determine
32 whether the patient's needs exceed the scope of services provided
33 by the clinic; and

34 (c) referring a patient whose needs exceed the scope of the
35 services the clinic provides or the scope of practice of the health
36 care professionals employed by or contracted with the clinic to a
37 primary care physician or other licensed health care provider,
38 except that if the clinic is affiliated with, or is a satellite location of,
39 a licensed health care facility or health care system, the clinic may
40 develop alternate mechanisms for assuring the patient's continuity
41 of care within that facility or system;

42 (4) a rule prohibiting the treatment of patients 18 months of age
43 or younger;

44 (5) developing and maintaining a current list of primary care
45 physicians located in the clinic's geographical area who are willing
46 to accept new patients referred by the clinic for treatment, and
47 providing the list to patients who do not have a primary care
48 physician;

1 (6) guidelines to identify and limit, if necessary, the number of
2 visits by patients who present with the same medical condition on a
3 repeated basis, and require the clinic to establish procedures for the
4 referral of such patients to primary care physicians or other health
5 care facilities, including federally qualified or community health
6 centers;

7 (7) the provision of interpreting services, either through the use
8 of persons hired for that purpose or a telephone interpreting service,
9 if 10 percent or more of the population in the clinic's service area
10 speaks a language other than English;

11 (8) a requirement that the clinic provide a patient, or the
12 patient's parent or legal guardian, if the patient is a minor, with a
13 copy of the patient's medical records and any test results at the end
14 of patient's visit or as soon as soon as available; and

15 (9) a requirement that the clinic, with the patient's consent,
16 transmit copies of the patient's medical records and any test results
17 to the patient's primary care physician by facsimile, electronic mail,
18 or other electronic means, at no cost to the patient.

19 c. (1) A retail health clinic shall post, in a conspicuous public
20 place, information:

21 (a) about the services provided to patients visiting the clinic for
22 treatment, including a statement indicating that a patient should
23 seek treatment from the patient's primary care physician if the
24 patient's medical needs exceed the scope of services provided by
25 the clinic;

26 (b) specifying that, if a patient is prescribed medication or other
27 medical supplies during the patient's visit, the patient is not
28 required to purchase the medication or supplies prescribed at the
29 clinic's location, if the clinic is located in a retail establishment that
30 sells such medication or supplies; and

31 (c) regarding tobacco use, the content of which shall be
32 determined by the Department of Health, if the clinic is located in a
33 retail establishment that sells tobacco products.

34 (2) The retail clinic shall provide a copy of the information
35 specified in paragraph (1) of this subsection, at no cost, to patients
36 receiving treatment at the clinic.

37 d. The State Board of Medical Examiners shall conduct an
38 annual compliance review of each retail health center operating in
39 the State and shall evaluate the clinic to determine whether it
40 continues to comply with the provisions of this act.

41 e. As used in this section, "retail health clinic" means a health
42 care facility located within a retail store, supermarket, pharmacy, or
43 similar retail establishment that offers episodic, walk-in care, by a
44 physician or nurse practitioner, for a limited set of acute conditions.

45
46 2. This act shall take effect immediately.

STATEMENT

This bill requires a retail health clinic operating in this State to develop policies and procedures concerning the services the clinic will provide to patients visiting the clinic for treatment. The clinic would submit the policies and procedures to the State Board of Medical Examiners (BME) for review and approval, and the BME would establish appropriate timelines for the clinics to follow in their development.

Specifically, the policies and procedures developed by a retail clinic would include, at a minimum: requirements that the clinic accredited by an accrediting body; protocols for reporting the loss of accreditation and the reasons for the loss to the BME; guidelines for clinical practice; rules prohibiting the treatment of certain patients; the creation of a list of primary care physicians located in the clinic's geographical area who are willing to accept new patients referred by the clinic for treatment; guidelines to identify and limit the number of repeat visits by patients who present with the same medical condition; the establishment of procedures for the referral of patients to, and informing patients about, primary care physicians or other health care facilities, when appropriate; the provision of interpreting services; and requirements that the clinic provide patients and their primary care physicians, at no cost to patients, with copies of medical records and laboratory test results.

Under the provisions of the bill, retail health clinics would also be required to post in a conspicuous public place, and provide to patients, at no cost, information: about the treatment services provided by the clinic; notifying patients what to do if their medical needs exceed the scope of services provided by the clinic; specifying patients' rights when purchasing prescribed medications or medical supplies if the clinic is located in a retail establishment; and about tobacco use, as determined by the Department of Health (DOH), if the clinic is located in a retail establishment selling tobacco products.

The BME would be required to conduct an annual compliance review of each retail health center operating in the State and evaluate the clinic to determine whether it continues to comply with the provisions outlined in the bill.

As used in the bill, "retail health clinic" means a health care facility located within a retail store, supermarket, pharmacy, or similar retail establishment that offers episodic, walk-in care, by a physician or nurse practitioner, for a limited set of acute conditions.

In New Jersey, retail health clinics are organized as private physician practices rather than ambulatory care clinics, which are regulated by DOH. Private physician practices are exempt from State regulation or licensure, and as a result, retail health clinics are not regulated by DOH.

1 Therefore, the intent of this legislation is to establish uniform
2 and consistent standards for retail health clinics in order to ensure
3 continuity of care and promote the appropriate use of such clinics
4 throughout the State.