

3673

2011-2012 Regular Sessions

I N S E N A T E

March 1, 2011

Introduced by Sen. HANNON -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the public health law, in relation to the establishment of convenient care clinics

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Section 2801-a of the public health law is amended by
2 adding a new subdivision 17 to read as follows:
3 17. (A) DIAGNOSTIC OR TREATMENT CENTERS ESTABLISHED TO PROVIDE HEALTH
4 CARE SERVICES WITHIN THE SPACE OF A RETAIL BUSINESS OPERATION, INCLUDING
5 BUT NOT LIMITED TO A PHARMACY, A STORE OPEN TO THE GENERAL PUBLIC OR A
6 SHOPPING MALL, OR WITHIN SPACE USED BY AN EMPLOYER FOR PROVIDING HEALTH
7 CARE SERVICES TO ITS EMPLOYEES, MAY BE OPERATED BY LEGAL ENTITIES FORMED
8 UNDER THE LAWS OF NEW YORK WHOSE STOCKHOLDERS OR MEMBERS, AS APPLICABLE,
9 ARE NOT NATURAL PERSONS AND WHOSE PRINCIPAL STOCKHOLDERS AND MEMBERS, AS
10 APPLICABLE, AND CONTROLLING PERSONS COMPLY WITH ALL APPLICABLE REQUIRE-
11 MENTS OF THIS SECTION AND DEMONSTRATE, TO THE SATISFACTION OF THE PUBLIC
12 HEALTH AND HEALTH PLANNING COUNCIL, SUFFICIENT EXPERIENCE AND EXPERTISE
13 IN DELIVERING HIGH QUALITY HEALTH CARE SERVICES. SUCH DIAGNOSTIC AND
14 TREATMENT CENTERS SHALL BE REFERRED TO IN THIS SECTION AS "CONVENIENT
15 CARE CLINICS". FOR PURPOSES OF THIS SUBDIVISION, THE PUBLIC HEALTH AND
16 HEALTH PLANNING COUNCIL SHALL ADOPT AND AMEND RULES AND REGULATIONS,
17 NOTWITHSTANDING ANY INCONSISTENT PROVISION OF THIS SECTION, TO ADDRESS
18 ANY MATTER IT DEEMS PERTINENT TO THE ESTABLISHMENT AND OPERATION OF
19 CONVENIENT CARE CLINICS; PROVIDED THAT SUCH RULES AND REGULATIONS SHALL
20 INCLUDE, BUT NOT BE LIMITED TO, PROVISIONS GOVERNING OR RELATING TO: (I)
21 ANY DIRECT OR INDIRECT CHANGES OR TRANSFERS OF OWNERSHIP INTERESTS OR
22 VOTING RIGHTS IN SUCH ENTITIES OR THEIR STOCKHOLDERS OR MEMBERS, AS
23 APPLICABLE, AND PROVIDE FOR PUBLIC HEALTH AND HEALTH PLANNING COUNCIL
24 APPROVAL OF ANY CHANGE IN CONTROLLING INTERESTS, PRINCIPAL STOCKHOLDERS,
25 CONTROLLING PERSONS, PARENT COMPANY OR SPONSORS; (II) OVERSIGHT OF THE

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

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1 OPERATOR AND ITS SHAREHOLDERS OR MEMBERS, AS APPLICABLE, INCLUDING LOCAL
2 GOVERNANCE OF THE CONVENIENT CARE CLINICS; AND (III) RELATING TO THE
3 CHARACTER AND COMPETENCE AND QUALIFICATIONS OF, AND CHANGES RELATING TO,
4 THE DIRECTORS AND OFFICERS OF THE OPERATOR AND ITS PRINCIPAL STOCKHOLD-
5 ERS, CONTROLLING PERSONS, PARENT COMPANY OR SPONSORS.

6 (B) THE FOLLOWING PROVISIONS OF THIS SECTION SHALL NOT APPLY TO
7 CONVENIENT CARE CLINICS OPERATED PURSUANT TO THIS SUBDIVISION: (I) PARA-
8 GRAPH (B) OF SUBDIVISION THREE OF THIS SECTION, RELATING TO STOCKHOLDERS
9 AND MEMBERS; (II) PARAGRAPH (C) OF SUBDIVISION FOUR OF THIS SECTION,
10 RELATING TO THE DISPOSITION OF STOCK OR VOTING RIGHTS; AND (III) PARA-
11 GRAPH (E) OF SUBDIVISION FOUR OF THIS SECTION, RELATING TO THE OWNERSHIP
12 OF STOCK OR MEMBERSHIP.

13 (C) THE COMMISSIONER MAY PROMULGATE REGULATIONS FOR CONVENIENT CARE
14 CLINICS THAT ARE DIFFERENT FROM THE REGULATIONS OTHERWISE APPLICABLE TO
15 DIAGNOSTIC OR TREATMENT CENTERS RELATING TO SUBJECTS INCLUDING, BUT NOT
16 LIMITED TO: DESIGN, CONSTRUCTION, FIXTURES, EQUIPMENT, AND SERVICES TO
17 BE PROVIDED.

18 S 2. This act shall take effect immediately.