

3673--A

2011-2012 Regular Sessions

I N S E N A T E

March 1, 2011

Introduced by Sens. HANNON, LARKIN, OPPENHEIMER, RANZENHOFER -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- reported favorably from said committee and committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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. CONVENIENT CARE CLINICS. (A) DIAGNOSTIC OR TREATMENT CENTERS
4 ESTABLISHED TO PROVIDE HEALTH CARE SERVICES WITHIN THE SPACE OF A RETAIL
5 BUSINESS OPERATION, SUCH AS A PHARMACY, A STORE OPEN TO THE GENERAL
6 PUBLIC OR A SHOPPING MALL, OR WITHIN SPACE USED BY AN EMPLOYER FOR
7 PROVIDING HEALTH CARE SERVICES TO ITS EMPLOYEES, MAY BE OPERATED BY
8 LEGAL ENTITIES FORMED UNDER THE LAWS OF NEW YORK WHOSE STOCKHOLDERS OR
9 MEMBERS, AS APPLICABLE, ARE NOT NATURAL PERSONS AND WHOSE PRINCIPAL
10 STOCKHOLDERS AND MEMBERS, AS APPLICABLE, AND CONTROLLING PERSONS COMPLY
11 WITH ALL APPLICABLE REQUIREMENTS OF THIS SECTION AND DEMONSTRATE, TO THE
12 SATISFACTION OF THE PUBLIC HEALTH AND HEALTH PLANNING COUNCIL, SUFFI-
13 CIENT EXPERIENCE AND EXPERTISE IN DELIVERING HIGH QUALITY HEALTH CARE
14 SERVICES. SUCH DIAGNOSTIC AND TREATMENT CENTERS SHALL BE REFERRED TO IN
15 THIS SECTION AS "CONVENIENT CARE CLINICS". FOR PURPOSES OF THIS SUBDIVI-
16 SION, THE PUBLIC HEALTH AND HEALTH PLANNING COUNCIL SHALL ADOPT AND
17 AMEND RULES AND REGULATIONS, NOTWITHSTANDING ANY INCONSISTENT PROVISION
18 OF THIS SECTION, TO ADDRESS ANY MATTER IT DEEMS PERTINENT TO THE ESTAB-
19 LISHMENT AND OPERATION OF CONVENIENT CARE CLINICS; PROVIDED THAT SUCH
20 RULES AND REGULATIONS SHALL INCLUDE, BUT NOT BE LIMITED TO, PROVISIONS
21 GOVERNING OR RELATING TO: (I) ANY DIRECT OR INDIRECT CHANGES OR TRANS-

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

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1 FERS OF OWNERSHIP INTERESTS OR VOTING RIGHTS IN SUCH ENTITIES OR THEIR
2 STOCKHOLDERS OR MEMBERS, AS APPLICABLE, AND PROVIDE FOR PUBLIC HEALTH
3 AND HEALTH PLANNING COUNCIL APPROVAL OF ANY CHANGE IN CONTROLLING INTER-
4 ESTS, PRINCIPAL STOCKHOLDERS, CONTROLLING PERSONS, PARENT COMPANY OR
5 SPONSORS; (II) OVERSIGHT OF THE OPERATOR AND ITS SHAREHOLDERS OR
6 MEMBERS, AS APPLICABLE, INCLUDING LOCAL GOVERNANCE OF THE CONVENIENT
7 CARE CLINICS; AND (III) RELATING TO THE CHARACTER AND COMPETENCE AND
8 QUALIFICATIONS OF, AND CHANGES RELATING TO, THE DIRECTORS AND OFFICERS
9 OF THE OPERATOR AND ITS PRINCIPAL STOCKHOLDERS, CONTROLLING PERSONS,
10 PARENT COMPANY OR SPONSORS.

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

18 (C) A CONVENIENT CARE CLINIC SHALL BE DEEMED TO BE A "HEALTH CARE
19 PROVIDER" FOR THE PURPOSES OF TITLE TWO-D OF ARTICLE TWO OF THIS CHAP-
20 TER. A PRESCRIBER PRACTICING IN A CONVENIENT CARE CLINIC SHALL NOT BE
21 DEEMED TO BE IN THE EMPLOY OF A PHARMACY OR PRACTICING IN A HOSPITAL FOR
22 PURPOSES OF SUBDIVISION TWO OF SECTION SIXTY-EIGHT HUNDRED SEVEN OF THE
23 EDUCATION LAW.

24 (D) THE COMMISSIONER SHALL PROMULGATE REGULATIONS FOR CONVENIENT CARE
25 CLINICS, WHICH MAY BE DIFFERENT FROM THE REGULATIONS OTHERWISE APPLICA-
26 BLE TO DIAGNOSTIC OR TREATMENT CENTERS, INCLUDING, BUT NOT LIMITED TO:
27 DESIGNATING OR LIMITING THE DIAGNOSES AND SERVICES THAT MAY BE PROVIDED;
28 AND REQUIREMENTS OR GUIDELINES FOR ADVERTISING AND SIGNAGE, DISCLOSURE
29 OF OWNERSHIP INTERESTS, INFORMED CONSENT, RECORD KEEPING, REFERRAL FOR
30 TREATMENT, CASE REPORTING TO THE PATIENT'S PRIMARY CARE OR OTHER HEALTH
31 CARE PROVIDERS, DESIGN, CONSTRUCTION, FIXTURES, AND EQUIPMENT. IN MAKING
32 REGULATIONS UNDER THIS SECTION, THE COMMISSIONER SHALL (I) CONSULT WITH
33 A WORKGROUP INCLUDING BUT NOT LIMITED TO REPRESENTATIVES OF PROFESSIONAL
34 SOCIETIES OF APPROPRIATE HEALTH CARE PROFESSIONALS, INCLUDING THOSE IN
35 PRIMARY CARE AND OTHER SPECIALITIES; AND (II) PROMOTE AND STRENGTHEN
36 PRIMARY CARE; THE INTEGRATION OF SERVICES PROVIDED BY CONVENIENT CARE
37 CLINICS WITH THE SERVICES PROVIDED BY THE PATIENT'S OTHER HEALTH CARE
38 PROVIDERS; AND THE REFERRAL OF PATIENTS TO APPROPRIATE HEALTH CARE
39 PROVIDERS, INCLUDING APPROPRIATE TRANSMISSION OF PATIENT HEALTH RECORDS.

40 S 2. This act shall take effect immediately.