

4069

2013-2014 Regular Sessions

I N   S E N A T E

March 7, 2013

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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 limited services 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, SUCH AS A  
5     PHARMACY, A STORE OPEN TO THE GENERAL PUBLIC OR A SHOPPING MALL, OR  
6     WITHIN SPACE USED BY AN EMPLOYER FOR PROVIDING HEALTH CARE SERVICES TO  
7     ITS EMPLOYEES, MAY BE OPERATED BY LEGAL ENTITIES FORMED UNDER THE LAWS  
8     OF NEW YORK WHOSE STOCKHOLDERS OR MEMBERS, AS APPLICABLE, ARE NOT  
9     NATURAL PERSONS AND WHOSE PRINCIPAL STOCKHOLDERS AND MEMBERS, AS APPLI-  
10    CABLE, AND CONTROLLING PERSONS COMPLY WITH ALL APPLICABLE REQUIREMENTS  
11    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 "LIMITED  
15    SERVICES CLINICS". FOR PURPOSES OF THIS SUBDIVISION, THE PUBLIC HEALTH  
16    AND 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 OF LIMITED SERVICES  
19    CLINICS; PROVIDED THAT SUCH RULES AND REGULATIONS SHALL INCLUDE, BUT NOT  
20    BE LIMITED TO, PROVISIONS GOVERNING OR RELATING TO: (I) ANY DIRECT OR  
21    INDIRECT CHANGES OR TRANSFERS OF OWNERSHIP INTERESTS OR VOTING RIGHTS IN  
22    SUCH ENTITIES OR THEIR STOCKHOLDERS OR MEMBERS, AS APPLICABLE, AND  
23    PROVIDE FOR PUBLIC HEALTH AND HEALTH PLANNING COUNCIL APPROVAL OF ANY  
24    CHANGE IN CONTROLLING INTERESTS, PRINCIPAL STOCKHOLDERS, CONTROLLING  
25    PERSONS, PARENT COMPANY OR SPONSORS; (II) OVERSIGHT OF THE OPERATOR AND

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

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

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

13 (C) A LIMITED SERVICES CLINIC SHALL BE DEEMED TO BE A "HEALTH CARE  
14 PROVIDER" FOR THE PURPOSES OF TITLE TWO-D OF ARTICLE TWO OF THIS CHAP-  
15 TER. A PRESCRIBER PRACTICING IN A LIMITED SERVICES CLINIC SHALL NOT BE  
16 DEEMED TO BE IN THE EMPLOY OF A PHARMACY OR PRACTICING IN A HOSPITAL FOR  
17 PURPOSES OF SUBDIVISION TWO OF SECTION SIXTY-EIGHT HUNDRED SEVEN OF THE  
18 EDUCATION LAW.

19 (D) THE COMMISSIONER SHALL PROMULGATE REGULATIONS SETTING FORTH OPERA-  
20 TIONAL AND PHYSICAL PLANT STANDARDS FOR LIMITED SERVICES CLINICS, WHICH  
21 MAY BE DIFFERENT FROM THE REGULATIONS OTHERWISE APPLICABLE TO DIAGNOSTIC  
22 OR TREATMENT CENTERS, INCLUDING, BUT NOT LIMITED TO: DESIGNATING OR  
23 LIMITING THE DIAGNOSES AND SERVICES THAT MAY BE PROVIDED; PROHIBITING  
24 THE PROVISION OF SERVICES TO PATIENTS TWENTY-FOUR MONTHS OF AGE OR YOUN-  
25 GER; AND REQUIREMENTS OR GUIDELINES FOR ADVERTISING AND SIGNAGE, DISCLO-  
26 SURE OF OWNERSHIP INTERESTS, INFORMED CONSENT, RECORD KEEPING, REFERRAL  
27 FOR TREATMENT AND CONTINUITY OF CARE, CASE REPORTING TO THE PATIENT'S  
28 PRIMARY CARE OR OTHER HEALTH CARE PROVIDERS, DESIGN, CONSTRUCTION,  
29 FIXTURES, AND EQUIPMENT. IN MAKING REGULATIONS UNDER THIS SECTION, THE  
30 COMMISSIONER MAY (I) CONSULT WITH A WORKGROUP INCLUDING BUT NOT LIMITED  
31 TO REPRESENTATIVES OF PROFESSIONAL SOCIETIES OF APPROPRIATE HEALTH CARE  
32 PROFESSIONALS, INCLUDING THOSE IN PRIMARY CARE AND OTHER SPECIALITIES;  
33 AND (II) PROMOTE AND STRENGTHEN PRIMARY CARE; THE INTEGRATION OF  
34 SERVICES PROVIDED BY LIMITED SERVICES CLINICS WITH THE SERVICES PROVIDED  
35 BY THE PATIENT'S OTHER HEALTH CARE PROVIDERS; AND THE REFERRAL OF  
36 PATIENTS TO APPROPRIATE HEALTH CARE PROVIDERS, INCLUDING APPROPRIATE  
37 TRANSMISSION OF PATIENT HEALTH RECORDS.

38 S 2. This act shall take effect immediately.