

Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 10-0832.01 Christy Chase

SENATE BILL 10-170

SENATE SPONSORSHIP

Steadman, Boyd, Carroll M., Foster, Morse, Newell

HOUSE SPONSORSHIP

Primavera,

Senate Committees

Health and Human Services

House Committees

A BILL FOR AN ACT

101 **CONCERNING CONTINUITY OF CARE FOR PATIENTS SERVED BY LIMITED**
102 **SERVICES CLINICS LOCATED IN RETAIL OUTLETS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

The bill establishes standards for limited services clinics operated within a retail store, supermarket, pharmacy, or similar retail outlet that is not affiliated with a primary care provider and that offers episodic, acute care for minor illnesses and injuries. A limited services clinic is required to:

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

SENATE
3rd Reading Unamended
March 12, 2010

SENATE
Amended 2nd Reading
March 11, 2010

- ! Develop policies and procedures that identify the limited services the clinic can provide;
- ! Restrict services to persons who are at least 2 years of age;
- ! Review a patient's immunization status in the Colorado immunization information system prior to administering a vaccination;
- ! Report to the Colorado immunization information system regarding vaccinations it administers to children;
- ! Develop a policy for addressing acute vaccine reactions;
- ! Follow accepted and age-appropriate clinical practice guidelines for diagnosing and treating patients in each of its limited services categories and determining when a patient's needs are beyond the scope of services that the clinic provides;
- ! Develop policies and procedures for referring patients and maintain a roster of primary care providers in the geographic area that have requested inclusion on the roster and are accepting new patients from a limited services clinic;
- ! Provide copies of medical records and test results to the patient and, if the patient consents, transmit medical records and test results to the patient's primary care provider, at no cost to the patient.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** Title 25, Colorado Revised Statutes, is amended BY
 3 THE ADDITION OF A NEW ARTICLE to read:

4 **ARTICLE 43**

5 **Limited Services Clinics**

6 **25-43-101. Legislative declaration.** (1) THE GENERAL
 7 ASSEMBLY HEREBY FINDS AND DETERMINES THAT:

8 (a) IN RECENT YEARS, RETAIL OUTLETS IN THIS STATE, SUCH AS
 9 RETAIL STORES, SUPERMARKETS, AND PHARMACIES, HAVE ESTABLISHED
 10 ON-SITE CLINICS TO PROVIDE AN IMPORTANT POINT OF ACCESS TO LIMITED
 11 HEALTH CARE SERVICES FOR CUSTOMERS AND VISITORS OF THE RETAIL
 12 OUTLET;

1 (b) THROUGH THESE LIMITED SERVICES CLINICS, ALSO KNOWN AS
2 "RETAIL-BASED CLINICS", "STORE-BASED CLINICS", OR "CONVENIENT CARE
3 CLINICS", CUSTOMERS AND VISITORS OF THE RETAIL OUTLET CAN OBTAIN
4 EPISODIC, ACUTE CARE FOR MINOR ILLNESSES AND INJURIES;

5 (c) THIS NEW TYPE OF LIMITED HEALTH CARE DELIVERY
6 ENVIRONMENT HAS A ROLE IN THE CONTINUUM OF CARE BY PROVIDING
7 CONVENIENT, AND OFTEN LOWER-COST, ACCESS TO LIMITED HEALTH CARE
8 SERVICES;

9 (d) WHILE LIMITED SERVICES CLINICS PROVIDE ACCESS TO HEALTH
10 CARE, CONVENIENCE, AND POTENTIAL COST SAVINGS FOR PATIENTS, IT IS
11 IMPORTANT TO PROTECT AGAINST FRAGMENTED HEALTH CARE FOR
12 PATIENTS, PARTICULARLY VULNERABLE PEDIATRIC PATIENTS;

13 (e) TO AVOID FRAGMENTED CARE, IT IS IMPERATIVE THAT LIMITED
14 SERVICES CLINICS COMMUNICATE WITH AND REFER PATIENTS TO THEIR
15 PRIMARY CARE PROVIDERS AND PROVIDE ASSISTANCE IN ESTABLISHING
16 CONTACT WITH A PRIMARY CARE PROVIDER FOR FOLLOW-UP OR FUTURE
17 CARE WITHIN A MEDICAL HOME;

18 (f) MOREOVER, IT IS AN IMPORTANT PUBLIC HEALTH GOAL TO
19 ENSURE ACCURACY IN CHILD IMMUNIZATION RECORDS, AND TO THAT END,
20 IF A CHILD RECEIVES A VACCINATION AT A LIMITED SERVICES CLINIC, IT IS
21 VITAL THAT THE VACCINATION BE REPORTED TO THE COLORADO
22 IMMUNIZATION INFORMATION SYSTEM SO THAT THE CHILD'S
23 IMMUNIZATION RECORDS ARE ACCURATE AND VACCINATIONS ARE NOT
24 MISSED OR DUPLICATED;

25 (g) MOST LIMITED SERVICES CLINICS HAVE ESTABLISHED
26 STANDARDS AND GUIDELINES FOR THE PATIENTS THEY ARE ABLE TO
27 SERVE, THE TYPES OF SERVICES THEY CAN PROVIDE, AND COMMUNICATION

1 WITH PRIMARY CARE PROVIDERS, BUT THESE STANDARDS AND GUIDELINES
2 ARE NOT UNIFORM OR CONSISTENT.

3 (2) ACCORDINGLY, THE GENERAL ASSEMBLY DECLARES THAT TO
4 ENSURE CONTINUITY OF CARE AND PROMOTE THE APPROPRIATE USE OF
5 PATIENT-CENTERED MEDICAL HOMES, IT IS IMPORTANT TO ESTABLISH
6 UNIFORM AND CONSISTENT STANDARDS FOR LIMITED SERVICES CLINICS TO
7 REFER PATIENTS TO PRIMARY CARE PROVIDERS, REPORT VACCINATION
8 INFORMATION TO THE COLORADO IMMUNIZATION INFORMATION SYSTEM,
9 ADEQUATELY DISCLOSE THE SCOPE OF THE SERVICES THEY CAN PROVIDE
10 TO PATIENTS, AND COMMUNICATE AND PROVIDE MEDICAL RECORDS,
11 LABORATORY RESULTS, AND OTHER INFORMATION ABOUT EACH VISIT WITH
12 THE PATIENT'S PRIMARY CARE PROVIDER WHENEVER POSSIBLE.

13 **25-43-102. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE
14 CONTEXT OTHERWISE REQUIRES:

15 (1) "COLORADO IMMUNIZATION INFORMATION SYSTEM" MEANS
16 THE IMMUNIZATION TRACKING SYSTEM DEVELOPED BY THE DEPARTMENT
17 OF PUBLIC HEALTH AND ENVIRONMENT PURSUANT TO SECTION 25-4-2403.

18 (2) (a) "LIMITED SERVICES CLINIC" OR "CLINIC" MEANS A HEALTH
19 CLINIC LOCATED WITHIN A RETAIL STORE, SUPERMARKET, PHARMACY, OR
20 SIMILAR RETAIL OUTLET THAT IS NOT AFFILIATED WITH A PRIMARY CARE
21 PROVIDER, INCLUDING A COMMUNITY HEALTH CENTER, AND THAT OFFERS
22 EPISODIC, ACUTE CARE FOR MINOR ILLNESSES AND INJURIES.

23 (b) "LIMITED SERVICES CLINIC" OR "CLINIC" INCLUDES A
24 STORE-BASED CLINIC, RETAIL-BASED CLINIC, OR CONVENIENT CARE CLINIC.

25 **25-43-103. Limited services clinics - services and treatments**
26 **provided - age limit for patients - reporting immunizations.** (1) A
27 LIMITED SERVICES CLINIC SHALL DEVELOP POLICIES AND PROCEDURES

1 THAT IDENTIFY THE LIMITED SERVICES THE CLINIC CAN PROVIDE TO
2 PATIENTS AND THE AGE LIMITS FOR PATIENTS TREATED AT THE LIMITED
3 SERVICES CLINIC, CONSISTENT WITH SUBSECTION (2) OF THIS SECTION.

4 (2) A LIMITED SERVICES CLINIC:

5 (a) SHALL NOT PROVIDE TREATMENT OR IMMUNIZATIONS TO A
6 CHILD WHO IS YOUNGER THAN EIGHTEEN MONTHS OF AGE, EXCEPT AS
7 PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (2):

8 (b) MAY PROVIDE SEASONAL INFLUENZA AND H1N1
9 VACCINATIONS, AS APPROPRIATE, BASED ON THE AGE OF THE PATIENT.

10 (3) A LIMITED SERVICES CLINIC THAT ADMINISTERS VACCINATIONS,
11 INCLUDING CHILDHOOD IMMUNIZATIONS AND ANY INFLUENZA
12 VACCINATION, SHALL:

13 (a) PRIOR TO ADMINISTERING A VACCINATION, REVIEW THE
14 PATIENT'S IMMUNIZATION STATUS IN THE COLORADO IMMUNIZATION
15 INFORMATION SYSTEM ESTABLISHED PURSUANT TO THE "IMMUNIZATION
16 REGISTRY ACT", PART 24 OF ARTICLE 4 OF THIS TITLE;

17 (b) REPORT TO THE COLORADO IMMUNIZATION INFORMATION
18 SYSTEM IN ACCORDANCE WITH SECTION 25-4-2403; AND

19 (c) DEVELOP A POLICY FOR ADDRESSING ACUTE VACCINE
20 REACTIONS.

21 (4) A LIMITED SERVICES CLINIC SHALL FOLLOW GENERALLY
22 ACCEPTED STANDARDS OF PRACTICE FOR:

23 (a) DIAGNOSING AND TREATING PATIENTS; AND

24 (b) DETERMINING WHEN A PATIENT'S NEEDS ARE BEYOND THE
25 SCOPE OF SERVICES THAT THE CLINIC PROVIDES.

26 **25-43-104. Referrals - when required - roster of primary care**
27 **providers.** (1) A LIMITED SERVICES CLINIC SHALL DEVELOP POLICIES AND

1 PROCEDURES FOR REFERRING PATIENTS WHOSE NEEDS EXCEED THE
2 CLINIC'S SERVICES TO A PRIMARY CARE PROVIDER OR OTHER APPROPRIATE
3 LICENSED HEALTH CARE PROVIDER AND FOR CONSULTING WITH AN
4 APPROPRIATE LICENSED HEALTH CARE PROVIDER WHEN THE CLINIC
5 CANNOT DETERMINE WHETHER THE PATIENT'S NEEDS EXCEED THE SCOPE
6 OF SERVICES PROVIDED BY THE CLINIC. IF A LIMITED SERVICES
7 CLINIC IS AFFILIATED WITH, OR IS A SATELLITE LOCATION OF, A LICENSED
8 HEALTH CARE FACILITY OR OTHER LICENSED HEALTH CARE PROVIDER, THE
9 LIMITED SERVICES CLINIC MAY DEVELOP ALTERNATE MECHANISMS FOR
10 ASSURING THE PATIENT'S CONTINUITY OF CARE WITHIN THAT SYSTEM.

11 (2) (a) A LIMITED SERVICES CLINIC SHALL MAINTAIN A ROSTER OF
12 PRIMARY CARE PROVIDERS, INCLUDING COMMUNITY HEALTH CENTERS,
13 THAT HAVE REQUESTED INCLUSION ON THE ROSTER AND ARE LOCATED
14 WITHIN THE SAME GEOGRAPHIC AREA AS THE LIMITED SERVICES CLINIC,
15 ARE ACCEPTING NEW PATIENTS, AND ARE ACCEPTING REFERRALS FROM A
16 LIMITED SERVICES CLINIC. A PRIMARY CARE PROVIDER THAT WISHES TO
17 BE LISTED ON A CLINIC'S ROSTER IS RESPONSIBLE FOR CONTACTING THE
18 CLINIC AND PROVIDING THE INFORMATION TO BE INCLUDED ON THE
19 ROSTER.

20 (b) IF A PATIENT OF THE LIMITED SERVICES CLINIC DOES NOT HAVE
21 A PRIMARY CARE PROVIDER, THE CLINIC SHALL ENCOURAGE THE PATIENT
22 TO CHOOSE A PRIMARY CARE PROVIDER AND SHALL INFORM THE PATIENT
23 OF THE ROSTER OF PRIMARY CARE PROVIDERS TO ASSIST THE PATIENT IN
24 LOCATING A PRIMARY CARE PROVIDER.

25 (c) A LIMITED SERVICES CLINIC THAT PROVIDES A ROSTER OF
26 PRIMARY CARE PROVIDERS TO A PATIENT IS NOT RESPONSIBLE FOR OR
27 GUARANTEEING THE CARE PROVIDED BY A PRIMARY CARE PROVIDER

1 INCLUDED ON THE ROSTER.

2 **25-43-105. Communication - medical records and test results**
3 **- copies for patients and primary care providers.** AT THE END OF THE
4 VISIT OR AS SOON AS AVAILABLE, A LIMITED SERVICES CLINIC SHALL ASK
5 THE PATIENT, OR THE PARENT OR LEGAL GUARDIAN OF A PATIENT WHO
6 IS A MINOR, IF HE OR SHE WANTS A COPY OF THE MEDICAL RECORD AND
7 ANY LABORATORY TEST RESULTS RELATED TO THE PATIENT'S VISIT AND
8 SHALL PROVIDE THE COPIES IF THE PATIENT, PARENT, OR LEGAL GUARDIAN,
9 AS APPLICABLE, INDICATES HIS OR HER DESIRE FOR THE COPIES. THE
10 LIMITED SERVICES CLINIC SHALL ASK THE PATIENT IF HE OR SHE HAS A
11 PRIMARY CARE PROVIDER, AND IF SO, SHALL ASK IF THE PATIENT WANTS
12 THE CLINIC TO PROVIDE COPIES OF THE MEDICAL RECORD AND TEST
13 RESULTS TO HIS OR HER PRIMARY CARE PROVIDER. IF THE PATIENT
14 CONSENTS, THE LIMITED SERVICES CLINIC SHALL PROVIDE A FACSIMILE OR
15 ELECTRONICALLY TRANSMITTED COPY OF THE MEDICAL RECORDS AND
16 LABORATORY TEST RESULTS TO THE PATIENT'S PRIMARY CARE PROVIDER,
17 IF ANY. THE LIMITED SERVICES CLINIC SHALL NOT CHARGE THE PATIENT
18 FOR THE COPIES OR TRANSMISSION OF THE MEDICAL RECORDS AND TEST
19 RESULTS.

20 **SECTION 2.** 25-4-2403 (2) (h) and (2) (i), Colorado Revised
21 Statutes, are amended, and the said 25-4-2403 (2) is further amended BY
22 THE ADDITION OF A NEW PARAGRAPH, to read:

23 **25-4-2403. Department of public health and environment -**
24 **powers and duties - immunization tracking system.** (2) To enable the
25 gathering of epidemiological information and investigation and control
26 of communicable diseases, the department of public health and
27 environment may establish a comprehensive immunization tracking

1 system with immunization information gathered by state and local health
2 officials from the following sources:

3 (h) The department of health care policy and financing with
4 respect to individuals who are eligible for coverage under the "Colorado
5 Medical Assistance Act", articles 4, 5, and 6 of title 25.5, C.R.S.; and

6 (i) Persons and entities that have contracted with the state
7 pursuant to paragraph (d) of subsection (9) of this section; AND

8 (j) LIMITED SERVICES CLINICS.

9 **SECTION 3. Act subject to petition - effective date.** This act
10 shall take effect at 12:01 a.m. on the day following the expiration of the
11 ninety-day period after final adjournment of the general assembly (August
12 11, 2010, if adjournment sine die is on May 12, 2010); except that, if a
13 referendum petition is filed pursuant to section 1 (3) of article V of the
14 state constitution against this act or an item, section, or part of this act
15 within such period, then the act, item, section, or part shall not take effect
16 unless approved by the people at the general election to be held in
17 November 2010 and shall take effect on the date of the official
18 declaration of the vote thereon by the governor.