

**HOUSE . . . . . No. 2083**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Marjorie C. Decker*

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to behavioral health urgent care.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>	<i>2/19/2021</i>
<i>Sally P. Kerans</i>	<i>13th Essex</i>	<i>2/21/2021</i>
<i>Christina A. Minicucci</i>	<i>14th Essex</i>	<i>2/26/2021</i>
<i>Nika C. Elugardo</i>	<i>15th Suffolk</i>	<i>2/26/2021</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>3/9/2021</i>
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	<i>3/31/2021</i>
<i>Michael P. Kushmerek</i>	<i>3rd Worcester</i>	<i>4/1/2021</i>

**HOUSE . . . . . No. 2083**

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By Ms. Decker of Cambridge, a petition (accompanied by bill, House, No. 2083) of Marjorie C. Decker and others relative to behavioral health urgent care. Mental Health, Substance Use and Recovery.

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**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninety-Second General Court  
(2021-2022)**  
\_\_\_\_\_

An Act relative to behavioral health urgent care.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Said section 52 of said chapter 111, as so appearing, is hereby further  
2 amended by adding the following 2 definitions:-

3 “Urgent care clinic”, any entity, however organized, whether conducted for profit or not  
4 for profit, which is advertised, announced, established, or maintained for the purpose of  
5 providing urgent care services in an office or a group of offices, or any portion thereof, or an  
6 entity which is advertised, announced, established, or maintained under a name which includes  
7 the words “urgent care” or which suggests that urgent care services are provided therein. Urgent  
8 care clinics cannot serve as a patient’s primary care provider.

9 “Urgent care services”, delivery of episodic care for the diagnosis, treatment,  
10 management or monitoring of acute and chronic disease or injury that is: (i) for the treatment of  
11 illness or injury that is immediate in nature but does not require emergency services; (ii)

12 generally provided on a walk-in basis without a prior appointment; (iii) available to the general  
13 public; and is not intended as the patient's primary care provider.

14 SECTION 2. Said chapter 111 of the General Laws, as so appearing, is hereby further  
15 amended by inserting after section 52 the following 2 sections:-

16 Section 52A. The department shall promulgate regulations regarding licensure of urgent  
17 care clinics. Such regulations shall include requirements regarding the coordination by urgent  
18 care clinics with a patient's primary care provider. Any such urgent care clinic shall apply to  
19 participate as a MassHealth billing provider and participate as a provider if said application is  
20 approved. An urgent care clinic shall not serve as a patient's primary care provider. The  
21 department may impose a fine of up to \$10,000 on a person or entity that advertises, announces,  
22 establishes, or maintains an urgent care center without a license granted by the department. The  
23 department may impose a fine of not more than \$10,000 on a licensed urgent care center that  
24 violates this section or any rule or regulation promulgated hereunder. Each day during which a  
25 violation continues shall constitute a separate offense. The department may conduct surveys and  
26 investigations to enforce compliance with this section.

27 Section 52B. The department, in consultation with the department of mental health, shall  
28 promulgate regulations regarding provision of behavioral health care in clinics licensed pursuant  
29 to section 51 of chapter 111. Such regulations shall require provision of behavioral health care in  
30 clinics licensed to provide medical, mental health, substance use disorder or urgent care services.  
31 These services shall be provided by qualified behavioral health clinicians and shall include  
32 evaluation and stabilization to persons seeking care with a behavioral health presentation, and  
33 referrals for such persons for appropriate treatment in the community or inpatient admission,

34 when necessary. Such regulations shall be constructed to advance quality at the point of  
35 behavioral health care delivery; ensure continuity of behavioral health care between clinics and  
36 patients' primary care or behavioral health providers; ensure adherence to evidence-based  
37 practices in behavioral health evaluation and stabilization; and, ensure services are delivered in a  
38 way that meet standards of human dignity and in compliance with the Americans with  
39 Disabilities Act (ADA).