



Ambulatory Services: Urgent Care Policy Options

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Albany, New York

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October 2013

Urgent Care Background

Providers that operate under an urgent care model are marketed as a cost-effective way of serving a patient's acute care needs outside of a more expensive emergency room while providing convenient hours and minimal wait times. Urgent care providers are not intended to provide emergency intervention for critical, major trauma, life-threatening or potentially disabling conditions. The scope of operations, hours of operation, scope of services, and the nature of the physician-patient relationship are all important elements that define the urgent care model.

Urgent care providers operate on an unscheduled walk-in basis, serving patients as needed. They are typically open during normal business hours (9AM to 5PM weekdays) but typically include early and late weekday hours and weekend hours, and are often open on holidays. Some urgent care providers operate 24 hours a day, seven days a week.

Urgent care providers are a source for outpatient diagnosis and treatment for ambulatory patients with acute illness or minor traumas that are not life threatening or permanently disabling. Services can include a medical history, physical examination and treatment services, such as those provided by a physician's practice. Additional services vary widely and may include intravenous hydration, suturing of minor lacerations and providing occupational medicine therapies. Some urgent care providers also include advanced imaging services, in-house lab services for immediate point-of-care testing, and even point-of-care dispensing of pre-packaged pharmaceuticals. When unable to appropriately serve a patient requiring more emergency care, urgent care providers generally have transfer and referral protocols in place.

There is no expectation of an ongoing physician-patient relationship with an urgent care provider. Once the acute illness or trauma has been treated, the patient's ongoing care should be provided by with their primary care physician or by referral to a specialist.

Urgent care facilities are not intended for well care, chronic disease management, or inpatient care or hospitalization. They are also not intended to be used as emergency rooms and are not subject to the Emergency Medical Treatment and Labor Act (EMTALA), requiring acceptance of patients without regard for the ability to pay.

Current Urgent Care Models: Federal and NYS Regulations

Urgent care providers are not consistently regulated in New York State. Some urgent care providers operate as physician practices (termed “Urgent Care Practices”) and are not licensed or subject to operational oversight in New York State. Some primary care practices may have an urgent care component, with designated hours for walk-in acute care. Urgent care providers that operate as centers or clinics and fall under the category of Diagnostic and Treatment Centers are subject to operational oversight through licensure and the Certificate of Need process.

Pros:

- Lower costs to patients and insurers than emergency rooms; potentially create savings for the healthcare system by diverting urgent non-life threatening and minor traumas from emergency departments that have substantially higher costs.
- Provide customer service related to extended hours as compared to physician practices and report shorter waiting room times than Emergency Departments.

Cons:

- Potential patient confusion regarding services provided compared to an Emergency Department, and in which situation to go to an urgent care provider.
- Patient overreliance on an urgent care practice or center for non-urgent care may undermine the relationship with a primary care physician or patient medical home. Underlying conditions may be missed due to a lack of ongoing patient relationship and/or lack of patient information.
- Pricing inconsistencies between urgent care providers.
- The financial impact on safety net providers is unclear.

Urgent Care Options

1. Define Urgent Care in New York State.

Options:

- Define urgent care (e.g. scope of services, hours of operation, etc.) in statute or regulation.
- Urgent care definition may specify:
 - Extended hours (e.g. early morning, evening and weekend hours, holiday hours)
 - Unscheduled walk-in visits
 - Diagnostic and treatment services for episodic, urgent care related to an acute illness or minor traumas that are not life-threatening or permanently disabling. Services could include X-Ray, EKG, phlebotomy, IM and IV medication/fluids, laceration repair, CLIA waived testing, ACLS protocols, etc.
 - No expectation of an ongoing patient-physician relationship, the substitution of primary care services or the maintenance of ongoing chronic illness or physical rehabilitation; only includes focused history and physical examination that may be provided within the projected duration of patient encounters, using available facilities and equipment
 - Minimum staffing requirements
 - What urgent care does not include:
 - Emergency intervention for critical, major trauma, life-threatening or potentially disabling conditions.
 - Surgical services
 - Dental services
 - Birth center services.

Pros:

- Create a functional definition for the purpose of any future oversight or monitoring.
- Clarify role of urgent care providers vs. role of other providers within the urgent to emergent care spectrum (for example, retail clinics and Emergency Departments).

Cons:

- Providers may adjust their model to fall out of scope.

State Models:

Arizona, Florida, Maryland, Minnesota, New Hampshire and Utah have definitions of urgent care center and urgent care center-equivalent facilities.

Arizona

Arizona Revised Statutes (A.R.S.), Revised Statute §36-401 Definitions, Item 21-a defines a “Freestanding urgent care center” as an “outpatient treatment center that regardless of its posted or advertised name, meets any of the following requirements:

- i. “Is open twenty-four hours a day, excluding at its option weekends or certain holidays, but is not licensed as a hospital.
- ii. “Claims to provide unscheduled medical services not otherwise routinely available in primary care physician offices.
- iii. “By its posted or advertised name, gives the impression to the public that it provides medical care for urgent, immediate or emergency conditions.
- iv. “Routinely provides ongoing unscheduled medical services for more than eight consecutive hours for an individual patient.”

Item 21-b specifies that a “Freestanding urgent care center” does not include the following:

- i. “A medical facility that is licensed under a hospital’s license and that uses the hospital’s medical provider number.
- ii. “A qualifying community health center pursuant to section 36-2907.06.
- iii. “Any other health care institution licensed pursuant to this chapter.”
- iv. “A physician’s office that offers extended hours or same day appointments to existing and new patients and that does not meet the requirements of subdivision (a), item (i), (iii) or (iv). For the purposes of this item, “physician” means a person licensed pursuant to title 32, chapter 13 or 17.”

Florida

Florida State Statute (2012) Chapter 395, Part I Hospital Licensing and Regulation, Section 1(30) defines a UCC as a “facility or clinic that provides immediate but not emergent ambulatory medical care to patients. The term includes an offsite emergency department of a hospital that is presented to the general public in any manner as a department where immediate and not only emergent medical care is provided. The term also includes:

- (a) An offsite facility of a facility licensed under this chapter, or a joint venture between a facility licensed under this chapter and a provider licensed under chapter 458 or chapter 459, that does not require a patient to make an appointment and is presented to the general public in any manner as a facility where immediate but not emergent medical care is provided.”
- (b) A clinic organization that is licensed under part X of chapter 400, maintains three or more locations using the same or a similar name, does not require a patient to make an appointment, and holds itself out to the general public in any manner as a facility or clinic where immediate but not emergent medical care is provided¹.”

Maryland

10.09.77.01, Title 10 DEPARTMENT OF HEALTH AND MENTAL HYGIENE
 Subtitle 09 MEDICAL CARE PROGRAMS Chapter 77 Urgent Care Centers
 Authority: Health-General Article,.01 Definitions, (13) defines urgent care as “the delivery of ambulatory care, such as for acute illnesses or minor traumas, in a facility

¹ For full legislative text, Florida State Statutes, <http://www.flsenate.gov/Laws/Statutes/2012/395.002>

dedicated to the delivery of unscheduled, walk-in care outside of a hospital emergency department, a free-standing clinic, or a physician's office².”

Minnesota

Chapter 4654, of Minnesota Health Care Quality Measures Subpart 22 states that an Urgent Care Center “means a medical facility where ambulatory patients can walk in without an appointment and receive services required to treat an illness or injury that would not result in further disability or death if not treated immediately, but requires professional attention and that has the potential to develop such a threat if treatment is delayed. Urgent care center does not include physician clinics offering extended hours for patient care.”

New Hampshire

In He-P 806.03-ak New Hampshire defines NEWCC as “...a medical facility where a patient can receive medical care which is not of an emergency life-threatening nature, without making an appointment and without the intention of developing an ongoing care relationship with the licensed practitioner. This term includes such facilities that are self-described as urgent care centers, retail health clinics, and convenient care clinics. A NEWCC can be a stand-alone entity or an entity located within a retail store or pharmacy, which can be owned and operated by the retail store or pharmacy, or be owned and operated by a third party³.”

Utah

Utah R432-1 General Health Care Facility Rules, Section 3 Definitions (50) defines a Freestanding Urgent Care Center as “distinguished from a private physician's office or emergency room setting, means a facility which provides out-patient health care service (on an as-needed basis, without appointment) to the public for diagnosis and treatment of medical conditions which do not require hospitalization or emergency intervention for a life-threatening or potentially permanently disabling condition. Diagnostic and therapeutic services provided by a free-standing urgent care center include: a medical history physical examination, assessment of health status and treatment for a variety of medical conditions commonly offered in a physician's office.”

² For full text, Maryland <http://www.dsd.state.md.us/comar/getfile.aspx?file=10.09.77.01.htm>

³ For full regulatory text, New Hampshire Code of Administrative Rules <http://www.dhhs.nh.gov/oos/bhfa/documents/he-p806.pdf>

2. Create Naming Requirements for Urgent Care Providers.

Options:

- Create a naming requirement that urgent care providers include “Urgent Care” in their name.
- Prohibit use of any form of “emergency” such as “emergent” or “emerg-i-care.”
- If specializing in pediatric urgent care, must be specified in name.
- Prohibit use of any name that implies a full range of medical services or more than episodic care.

Pros:

- Clarifies role of urgent care providers vs. role of other entities in the ambulatory care spectrum for consumers.
- Works in conjunction with defining urgent care.

Cons:

State Models:

Delaware and Illinois have statutory language regarding the naming of facilities so as to not cause confusion with Emergency Rooms; the use of “Urgent” and “Emergency” and similar derivatives are prohibited unless the facility is an actual Emergency Room.

Illinois

Illinois only permits the use of the term “emergency” “urgent” or a derivative of those terms if the facility is actually an emergency room. 210 ILCS 70/2 of the Emergency Medical Treatment Act covers prohibited terms and states “After the effective date of this amendatory Act of the 93rd General Assembly, no person, facility, or entity shall hold itself out to the public as an "urgent", "urgi-", "emergi-", or "emergent" care center or use any similar term, as defined by rule, that would give the impression that emergency medical treatment is provided by the person or entity or at the facility unless the facility is the emergency room of a facility licensed as a hospital under the Hospital Licensing Act or a facility licensed as a freestanding emergency center under the Emergency Medical Services (EMS) Systems Act... Violation of this Section constitutes a business offense with a minimum fine of \$5,000 plus \$1,000 per day for a continuing violation, with a maximum of \$25,000⁴.”

Delaware

Delaware licenses Free Standing Emergency Centers, and prohibits the use of the term “emergency” or “urgent” by a facility if that facility is not able to handle life-threatening emergency care. Delaware Regulatory Administrative Code Title 16, 4400 Health Systems Protection, 4404 Free Standing Emergency Centers, **9.0 Licensing Requirements and Procedures**, part 9.6 states: “The terms emergency, urgent care or

⁴ For full legislative text, Illinois Legislative Reference Bureau
<http://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=1231&ChapterID=21>

parts of those terms or any other language or symbols which imply or indicate to the public that immediate medical treatment is available to individuals suffering from a life threatening medical condition shall not be used as part of the name of any facility in this State, unless the facility has been licensed by the Division of Public Health⁵.”

3. Require Registration for Urgent Care Providers.

Options:

- *Create a requirement that providers offering services meeting the definition of urgent care register with the state.*
 - *Require of both urgent care centers/clinics and urgent care practices or only for urgent care practices?*
- *Can be accomplished through regulation or statute, contingent on an urgent care definition.*
- *Registration information collection may include:*
 - Entity name
 - Location(s)
 - Services provided
 - Staffing structure
 - Ownership structure
 - Patient volume
 - Payer mix
 - Quality and outcome reporting
 - Error and adverse event reporting

Pros:

- Provides data on urgent care providers in New York State to inform future decisions and understanding of this model of care.

Cons:

4. Require Licensure (Operational Oversight)

Options:

- *Establish a specific licensure category for urgent care providers.*
- *Require that all urgent care providers be subject to operational oversight (licensure), or only urgent care centers/clinics?*
- *Require that urgent care providers accept Medicaid and serve low-income patients as a condition of approval.*

⁵ For full regulatory text regarding licensing of Free Standing Emergency Centers in Delaware: [http://regulations.delaware.gov/AdminCode/title16/Department%20of%20Health%20and%20Social%20Services/Division%20of%20Public%20Health/Health%20Systems%20Protection%20\(HSP\)/4404.shtml](http://regulations.delaware.gov/AdminCode/title16/Department%20of%20Health%20and%20Social%20Services/Division%20of%20Public%20Health/Health%20Systems%20Protection%20(HSP)/4404.shtml)

- *Require that urgent care providers establish an affiliation with hospital/hospital networks as a condition of approval (see also Require Referral Protocol).*

Pros:

- Establishes quality care standards unique to urgent care providers.
- Establishes staffing requirements.
- Requires referral processes be in place to expedite triage and referral.
- Vehicle for requiring Medicaid participation.
- Vehicle for establishing service posting requirements.

Cons:

- Urgent care providers with licensure would be eligible for facility fees, increasing the overall cost of care.
- Existing urgent care providers may fall out of licensure range.
- Existing urgent care providers may not meet architectural and engineering requirements, necessitating construction to meet compliance or waivers.
- May discourage urgent care providers from opening in NYS/in some regions.
- Urgent care clinics/centers that fall under Diagnostic and Treatment Centers already are subject to licensure.
- Added time and expense for facilities.

State Models:

Arizona has legislation that defines Freestanding Urgent Care Clinics and outlines licensure process, includes relationship between health care service organizations and UCC, and establishes posting requirements.

Example: A.R.S. Title 20, Chapter 4, Article 9, Section 20-1077 on Health Organizations and Urgent Care Clinics:

- Requires posting of consumer information about when to use an Urgent Care Clinic.
- Requires a referral process be in place between a health care service organization and an Urgent Care Clinic.
- Requires credentialing Urgent Care Centers every two years.

Florida recently enacted (effective January 2013) legislation that amends F.S. 400.991 that requires health care facilities to be licensed in order to receive reimbursement for the provision of personal injury services. Facilities are exempt that are owned by an existing licensed entity, e.g. a hospital (Florida HB0119-06)⁶.

⁶ For full legislative text, Florida statute:
<http://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?FileName= h0119er.docx&DocumentType=Bill&BillNumber=0119&Session=2012>

5. Require Certificate of Need (CON)

Options:

- *Require that all licensed urgent care providers apply for CON approval.*
- *Require that urgent care providers accept Medicaid and serve low-income patients as a condition of approval.*
- *Require that urgent care providers establish an affiliation with hospital/hospital networks as a condition of approval (see also Require Referral Protocol).*

Pros:

- Enforces physical plant standards.
- Considers need, potential destabilization of market and access.
- Evaluates financial viability.
- Evaluates ownership structure and character.

Cons:

- CON may discourage urgent care providers from establishing in NYS.
- Urgent care centers that are licensed as Diagnostic and Treatment Centers already are subject to CON; unclear if an urgent care CON would need to be distinct from other facility types.
- Added time and expense for providers.