

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 16-0824.01 Christy Chase x2008

HOUSE BILL 16-1374

HOUSE SPONSORSHIP

McCann, Esgar, Ginal, Lontine, Primavera, Ryden

SENATE SPONSORSHIP

Kefalas,

House Committees

Health, Insurance, & Environment

Senate Committees

A BILL FOR AN ACT

101 CONCERNING DISCLOSURE REQUIREMENTS APPLICABLE TO A LICENSED
102 COMMUNITY CLINIC PROVIDING EMERGENCY SERVICES TO
103 PATIENTS AT A SITE THAT IS NOT ATTACHED TO A HOSPITAL.

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/bills summaries>.)

The bill requires a freestanding emergency room that provides emergency services in a facility, charges a facility fee, and is not attached to a hospital to post notices throughout the facility indicating that the facility is an emergency room that provides emergency services to treat emergency medical conditions. Additionally, a freestanding emergency

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.

room, after performing an initial medical examination, must inform a patient who is determined not to have an emergency medical condition of, and provide to the patient a written statement containing, the following information:

- ! That the freestanding emergency room charges rates comparable to those charged by a hospital emergency room, including a facility fee of a specified amount;
- ! That the freestanding emergency room or a physician providing medical care at the center may not be a participating provider under the patient's health benefit plan;
- ! That the physician providing medical care at the freestanding emergency room may bill the patient separately from the center; and
- ! That for nonemergency medical conditions, the patient may wish to confer with his or her primary care physician or other primary care provider.

The freestanding emergency room must explain the contents of the written statement to the patient, obtain the patient's signature on the document, provide the patient with a copy of the signed document, and maintain the signed document in the patient's medical record.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 25-3-117 as
3 follows:

4 **25-3-117. Freestanding emergency rooms - required notices -**
5 **disclosures.** (1) (a) A FREESTANDING EMERGENCY ROOM SHALL POST A
6 NOTICE THAT STATES THAT THE HEALTH FACILITY IS A FREESTANDING
7 EMERGENCY ROOM THAT PROVIDES EMERGENCY SERVICES TO PATIENTS
8 WITH EMERGENCY MEDICAL CONDITIONS AND IS NOT AN URGENT CARE
9 CENTER OR PRIMARY CARE PROVIDER.

10 (b) A FREESTANDING EMERGENCY ROOM SHALL POST THE NOTICE
11 REQUIRED BY THIS SUBSECTION (1) IN PROMINENT AND CONSPICUOUS
12 LOCATIONS, INCLUDING:

13 (I) AT EACH PUBLIC ENTRANCE TO THE FREESTANDING EMERGENCY

1 ROOM;

2 (II) IN EACH WAITING AREA AND PATIENT TREATMENT ROOM OR

3 AREA;

4 (III) AT EACH LOCATION WITHIN THE FREESTANDING EMERGENCY

5 ROOM AT WHICH A PERSON PAYS FOR HEALTH CARE SERVICES; AND

6 (IV) ON THE FREESTANDING EMERGENCY ROOM'S WEBSITE, IF ONE

7 EXISTS.

8 (c) THE NOTICE MUST BE IN LEGIBLE PRINT ON A SIGN WITH

9 DIMENSIONS OF AT LEAST EIGHT AND ONE-HALF INCHES BY ELEVEN

10 INCHES.

11 (2) (a) AFTER PERFORMING AN APPROPRIATE MEDICAL SCREENING

12 EXAMINATION TO DETERMINE WHETHER A PATIENT HAS AN EMERGENCY

13 MEDICAL CONDITION, A FREESTANDING EMERGENCY ROOM SHALL INFORM

14 EVERY PATIENT WHO DOES NOT HAVE AN EMERGENCY MEDICAL

15 CONDITION OF THE FOLLOWING:

16 (I) THE FREESTANDING EMERGENCY ROOM CHARGES RATES

17 COMPARABLE TO THOSE CHARGED BY A HOSPITAL EMERGENCY ROOM AND

18 CHARGES A FACILITY FEE OF _____ DOLLARS OR MORE;

19 (II) THE FREESTANDING EMERGENCY ROOM OR A PHYSICIAN

20 PROVIDING MEDICAL CARE AT THE FREESTANDING EMERGENCY ROOM MAY

21 NOT BE A PARTICIPATING PROVIDER UNDER THE PATIENT'S HEALTH BENEFIT

22 PLAN OR MAY NOT BE PART OF THE PROVIDER NETWORK IN THE PATIENT'S

23 HEALTH BENEFIT PLAN;

24 (III) THE PHYSICIAN PROVIDING MEDICAL CARE AT THE

25 FREESTANDING EMERGENCY ROOM MAY BILL THE PATIENT SEPARATELY

26 FROM THE FREESTANDING EMERGENCY ROOM FOR ANY MEDICAL CARE THE

27 PHYSICIAN PROVIDES TO THE PATIENT; AND

1 (IV) THE PATIENT MAY WISH TO CONSULT HIS OR HER PRIMARY
2 CARE PHYSICIAN OR OTHER PRIMARY CARE PROVIDER FOR TREATMENT OF
3 A NONEMERGENCY MEDICAL CONDITION.

4 (b) IN ADDITION TO INFORMING THE PATIENT AS SPECIFIED IN
5 PARAGRAPH (a) OF THIS SUBSECTION (2), A FREESTANDING EMERGENCY
6 ROOM SHALL PROVIDE A WRITTEN STATEMENT TO EACH PATIENT OR THE
7 PATIENT'S REPRESENTATIVE, UPON COMPLETING AN APPROPRIATE MEDICAL
8 SCREENING EXAMINATION AND DETERMINING THAT THE PATIENT DOES NOT
9 HAVE AN EMERGENCY MEDICAL CONDITION, CONTAINING THE SAME
10 INFORMATION AS SPECIFIED IN SAID PARAGRAPH (a). A REPRESENTATIVE
11 OF THE FREESTANDING EMERGENCY ROOM SHALL REVIEW THE
12 INFORMATION WITH THE PATIENT OR HIS OR HER REPRESENTATIVE, OBTAIN
13 THE PATIENT'S OR REPRESENTATIVE'S ACKNOWLEDGMENT AND SIGNATURE
14 ON THE DOCUMENT, PROVIDE A COPY OF THE SIGNED DOCUMENT TO THE
15 PATIENT OR REPRESENTATIVE, AND MAINTAIN THE SIGNED DOCUMENT IN
16 THE PATIENT'S MEDICAL RECORD.

17 (3) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
18 REQUIRES:

19 (a) "EMERGENCY MEDICAL CONDITION" MEANS:

20 (I) A MEDICAL CONDITION MANIFESTING ITSELF BY ACUTE
21 SYMPTOMS OF SUFFICIENT SEVERITY, INCLUDING SEVERE PAIN, SUCH THAT
22 THE ABSENCE OF IMMEDIATE MEDICAL ATTENTION COULD REASONABLY BE
23 EXPECTED TO RESULT IN:

24 (A) PLACING THE HEALTH OF THE INDIVIDUAL OR, WITH RESPECT
25 TO A PREGNANT WOMAN, THE HEALTH OF THE WOMAN OR HER UNBORN
26 FETUS, IN SERIOUS JEOPARDY;

27 (B) SERIOUS IMPAIRMENT OF BODILY FUNCTIONS; OR

1 (C) SERIOUS DYSFUNCTION OF ANY BODILY ORGAN OR PART; OR

2 (II) WITH RESPECT TO A PREGNANT WOMAN WHO IS HAVING
3 CONTRACTIONS:

4 (A) THAT THERE IS INADEQUATE TIME TO EFFECT A SAFE TRANSFER
5 TO ANOTHER HOSPITAL BEFORE DELIVERY; OR

6 (B) THAT TRANSFER MAY POSE A THREAT TO THE HEALTH OR
7 SAFETY OF THE WOMAN OR THE UNBORN FETUS.

8 (b) "EMERGENCY SERVICES" MEANS SERVICES TO TREAT PATIENTS
9 ARRIVING BY ANY MEANS WHO HAVE MEDICAL CONDITIONS, INCLUDING
10 ACUTE ILLNESS OR TRAUMA, THAT, IF NOT TREATED IMMEDIATELY, COULD
11 RESULT IN LOSS OF LIFE OR LIMB OR IN PERMANENT DISABILITY.

12 (c) (I) "FREESTANDING EMERGENCY ROOM" MEANS A COMMUNITY
13 CLINIC LICENSED BY THE DEPARTMENT OF PUBLIC HEALTH AND
14 ENVIRONMENT PURSUANT TO SECTION 25-3-101 THAT:

15 (A) OFFERS EMERGENCY SERVICES;

16 (B) CHARGES A FACILITY FEE; AND

17 (C) IS NOT ATTACHED TO OR CONTAINED WITHIN A HOSPITAL.

18 (II) THE TERM INCLUDES A LICENSED COMMUNITY CLINIC THAT IS
19 AFFILIATED WITH OR OPERATED BY A HOSPITAL SYSTEM AND IS LOCATED
20 OFF THE HOSPITAL'S MAIN CAMPUS.

21 (d) "PARTICIPATING PROVIDER" HAS THE SAME MEANING AS SET
22 FORTH IN SECTION 10-16-102 (46), C.R.S.

23 (e) "PROVIDER NETWORK" MEANS A NETWORK AS DEFINED IN
24 SECTION 10-16-102 (45), C.R.S.

25 **SECTION 2. Safety clause.** The general assembly hereby finds,
26 determines, and declares that this act is necessary for the immediate
27 preservation of the public peace, health, and safety.