A BILL FOR AN ACT

CONCERNING DISCLOSURE REQUIREMENTS APPLICABLE TO A LICENSED COMMUNITY CLINIC PROVIDING EMERGENCY SERVICES TO 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/billsummaries.)

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
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.

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

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

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

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

(i) AT EACH PUBLIC ENTRANCE TO THE FREESTANDING EMERGENCY
ROOM;

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

(III) AT EACH LOCATION WITHIN THE FREESTANDING EMERGENCY ROOM AT WHICH A PERSON PAYS FOR HEALTH CARE SERVICES; AND

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

(c) THE NOTICE MUST BE IN LEGIBLE PRINT ON A SIGN WITH DIMENSIONS OF AT LEAST EIGHT AND ONE-HALF INCHES BY ELEVEN INCHES.

(2) (a) AFTER PERFORMING AN APPROPRIATE MEDICAL SCREENING EXAMINATION TO DETERMINE WHETHER A PATIENT HAS AN EMERGENCY MEDICAL CONDITION, A FREESTANDING EMERGENCY ROOM SHALL INFORM EVERY PATIENT WHO DOES NOT HAVE AN EMERGENCY MEDICAL CONDITION OF THE FOLLOWING:

(I) THE FREESTANDING EMERGENCY ROOM CHARGES RATES COMPARABLE TO THOSE CHARGED BY A HOSPITAL EMERGENCY ROOM AND CHARGES A FACILITY FEE OF _______ DOLLARS OR MORE;

(II) THE FREESTANDING EMERGENCY ROOM OR A PHYSICIAN PROVIDING MEDICAL CARE AT THE FREESTANDING EMERGENCY ROOM MAY NOT BE A PARTICIPATING PROVIDER UNDER THE PATIENT'S HEALTH BENEFIT PLAN OR MAY NOT BE PART OF THE PROVIDER NETWORK IN THE PATIENT'S HEALTH BENEFIT PLAN;

(III) THE PHYSICIAN PROVIDING MEDICAL CARE AT THE FREESTANDING EMERGENCY ROOM MAY BILL THE PATIENT SEPARATELY FROM THE FREESTANDING EMERGENCY ROOM FOR ANY MEDICAL CARE THE PHYSICIAN PROVIDES TO THE PATIENT; AND
(IV) The patient may wish to consult his or her primary care physician or other primary care provider for treatment of a nonemergency medical condition.

(b) In addition to informing the patient as specified in paragraph (a) of this subsection (2), a freestanding emergency room shall provide a written statement to each patient or the patient's representative, upon completing an appropriate medical screening examination and determining that the patient does not have an emergency medical condition, containing the same information as specified in said paragraph (a). A representative of the freestanding emergency room shall review the information with the patient or his or her representative, obtain the patient's or representative's acknowledgment and signature on the document, provide a copy of the signed document to the patient or representative, and maintain the signed document in the patient's medical record.

(3) As used in this section, unless the context otherwise requires:

(a) "Emergency medical condition" means:

(I) A medical condition manifesting itself by acute symptoms of sufficient severity, including severe pain, such that the absence of immediate medical attention could reasonably be expected to result in:

(A) Placing the health of the individual or, with respect to a pregnant woman, the health of the woman or her unborn fetus, in serious jeopardy;

(B) Serious impairment of bodily functions; or
(C) Serious dysfunction of any bodily organ or part; or

(II) With respect to a pregnant woman who is having contractions:

(A) That there is inadequate time to effect a safe transfer to another hospital before delivery; or

(B) That transfer may pose a threat to the health or safety of the woman or the unborn fetus.

(b) "Emergency services" means services to treat patients arriving by any means who have medical conditions, including acute illness or trauma, that, if not treated immediately, could result in loss of life or limb or in permanent disability.

(c) (I) "Freestanding emergency room" means a community clinic licensed by the Department of Public Health and Environment pursuant to section 25-3-101 that:

(A) Offers emergency services;

(B) Charges a facility fee; and

(C) Is not attached to or contained within a hospital.

(II) The term includes a licensed community clinic that is affiliated with or operated by a hospital system and is located off the hospital's main campus.

(d) "Participating provider" has the same meaning as set forth in section 10-16-102 (46), C.R.S.

(e) "Provider network" means a network as defined in section 10-16-102 (45), C.R.S.

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