

# SENATE BILL No. 216

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 16-18-2-319.5; IC 16-41-43.

**Synopsis:** Regulation of retail health clinics. Requires retail health clinics to meet specified standards and implement certain policies for the monitoring of quality of care. Requires the state department of health to ensure compliance by retail health clinics, and allows the state department to inspect a retail health clinic.

**Effective:** July 1, 2009.

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**Miller**

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January 7, 2009, read first time and referred to Committee on Health and Provider Services.

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First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

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## SENATE BILL No. 216

A BILL FOR AN ACT to amend the Indiana Code concerning health.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 16-18-2-319.5 IS ADDED TO THE INDIANA  
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2009]: **Sec. 319.5. "Retail health clinic", for**  
4 **purposes of IC 16-41-43, has the meaning set forth in**  
5 **IC 16-41-43-1.**

6 SECTION 2. IC 16-41-43 IS ADDED TO THE INDIANA CODE  
7 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
8 JULY 1, 2009]:

9 **Chapter 43. Regulation of Retail Health Clinics**

10 **Sec. 1. As used in this chapter, "retail health clinic" means a**  
11 **retail merchant (as defined in IC 6-2.5-1-8) that includes a health**  
12 **care clinic located on the retail merchant's premises that offers**  
13 **episodic health care for patients.**

14 **Sec. 2. A retail health clinic must meet the following**  
15 **requirements:**

16 **(1) Be accredited by the Joint Commission on Accreditation**  
17 **of Healthcare Organizations (JCAHO), or its successor.**



- 1           **(2) Require all of the clinic's staff to be certified to perform**
- 2           **cardiopulmonary resuscitation.**
- 3           **(3) Have equipment for resuscitation and defibrillation**
- 4           **available on site.**
- 5           **(4) Have a separate entrance for the retail health clinic other**
- 6           **than the entrance for the retail store and provide adequate**
- 7           **separation from other retail operations.**
- 8           **(5) Have the following policies for the monitoring of quality of**
- 9           **care, including the following:**
  - 10           **(A) Peer review.**
  - 11           **(B) Collaborating physician review.**
  - 12           **(C) Use of evidence based guidelines.**
  - 13           **(D) Collection of aggregate data on quality and safety**
  - 14           **outcomes.**
  - 15           **(E) Collection of patient survey data.**
  - 16           **(F) Protocol for emergency response procedures and**
  - 17           **transferring a patient to a hospital if the patient has a**
  - 18           **serious condition that warrants hospitalization.**
  - 19           **(G) Relationships with primary care providers and other**
  - 20           **health care providers in the community for appropriate**
  - 21           **referrals for patient follow-up care that is outside the**
  - 22           **scope of the clinic's services.**
- 23           **(6) Comply with federal and state law and guidelines,**
- 24           **including the federal Centers for Disease Control guidelines**
- 25           **for environmental sanitation, infection control, and proper**
- 26           **hand washing.**
- 27           **(7) Provide written instruction and educational material**
- 28           **concerning the patient's condition before the patient leaves**
- 29           **the clinic.**
- 30           **(8) Use electronic health records.**
- 31           **(9) Have prices for services easily accessible in a visible place**
- 32           **outside the examination room.**
- 33           **(10) Provide a patient's primary care provider with a detailed**
- 34           **clinical report of the patient's visit.**
- 35           **(11) Have a policy to promptly respond to a patient's primary**
- 36           **care provider if the provider inquires about the care rendered**
- 37           **to one of the provider's patients at the retail health clinic.**
- 38           **(12) Use standardized medical protocols derived from**
- 39           **evidenced based guidelines.**

40           **Sec. 3. (a) The state department shall ensure that retail health**  
 41           **clinics comply with this chapter. The state department may inspect**  
 42           **a retail health clinic for compliance with this chapter.**

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1           **(b) A retail health clinic shall allow a state department employee**  
2           **on the premises to inspect the retail health clinic.**

3           **Sec. 4. The state department may adopt rules under IC 4-22-2**  
4           **necessary to implement this chapter.**

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