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TO: Current and Prospective Limited Services Clinics in Massachusetts & Parent Entities

FROM: Madeleine Biondolillo, MD, Bureau Director *MB*
Iyah K Romm, Director of Policy, Health Planning, and Strategic Development

DATE: November 9, 2012

SUBJECT: Impact of Implementation of Chapter 224 on Limited Services Clinics in the Commonwealth

Chapter 224 of the Acts of 2012 (*An Act Improving the Quality of Healthcare and Reducing Costs Through Increased Transparency, Efficiency, and Innovation*) is effective as of November 5, 2012. Section 51J of Chapter 224 instructs the Department of Public Health to promulgate regulations to "promote the availability of limited services clinics (LSCs) as a point of access for health care services within the full scope of practice of a nurse practitioner." LSCs, however, are expressly prohibited from serving as primary care providers and from referring patients to non-primary care providers unless the LSC is a licensed affiliate of that referral site.

Chapter 224 Section 51J expands the scope of services possible at LSCs in the Commonwealth and the Department of Public Health is currently working to amend the Clinic Licensure Regulations at 105 CMR 140 accordingly. Updates to the regulations to accommodate the anticipated expansion of services in the Limited Services Clinics will be available for public comment in late 2012 or early 2013.

The Department anticipates that addition of new services may require changes in the physical plant of the currently operating Limited Services Clinic. In accordance with 105 CMR 140.203, each Limited Services Clinic must provide consultation, examination, treatment, and dressing areas appropriate to the services provided by the clinic. Any LSC that intends to substantially alter or expand the scope of services provided at a clinic location must notify the Department and demonstrate compliance with the Facility Guidelines Institute's *Guidelines for Design and Construction of Health Care Facilities*. Waivers from the Clinical Laboratory Improvement Amendments (CLIA) for expanded laboratory testing services will be approved beginning when the law becomes effective. Services that do not require a substantial change in infrastructure, and therefore do not require plan review as described in 105 CMR 140 that fall within the scope of practice defined by Chapter 224, Section 51J may be implemented

without notification to the Department upon the effective date of the statute. The Department anticipates that the regulatory amendments will include a requirement for public disclosure of services available in each Limited Services Clinic and encourages current licensees to provide such disclosure in a manner deemed appropriate by the facility.

We appreciate your patience as we work through this process. Please feel free to contact Denise Egan (Denise.Egan@state.ma.us) with any questions or concerns.