Commonwealth of Massachusetts
Department of Public Health

Helping People Lead Healthy Lives In Healthy Communities

# Proposed Amendments to 105 CMR 140.000 regarding Limited Services Clinics

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# Background

- MinuteClinic requested clinic licensure in 2007.
- New Limited Services Clinic (LSC) regulations were developed in response.
- The first LSCs opened in Massachusetts in 2008.
- Currently 41 LSCs operate in MA, all of which are MinuteClinics.
- Chapter 224 (2012) authorizes LSCs to provide services within the scope of practice of a Nurse Practitioner, requiring regulatory changes.

# Background

- Current regulations include strict limitations on the services than an LSC can provide:
  - All services provided must be listed on license
  - No childhood immunizations (except flu shot)
  - No treating children under 24 months old

# Public Comments

- DPH held a public comment hearing on July 23, 2013.
- Twenty-one parties submitted comments to the Department.
- Comments from physicians and physician organizations were generally critical of the changes
- Comments from operators of LSCs, nurse practitioners, and business organizations were generally supportive.

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# Definitions: Nurse Practitioner

## Comments

- The Massachusetts Coalition of Nurse Practitioners (MCNP) suggested that the regulation include a definition of "nurse practitioner"

## Proposed Change

- Staff added the recommended definition

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# Definitions: Primary Care Provider

## Comments

- The Massachusetts Medical Society (MMS) asked that the proposed definition of "primary care provider (PCP)" be changed to a definition that would preclude LSCs from providing comprehensive services or preventive or general diagnostic services.

## Proposed Change

- Staff recommend no change
- It would be inappropriate for the Department to adopt a definition that is different from the statute.
- The change recommended by the MMS would conflict with the statutory definition of limited services

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# Surgical Services

## Comments

- The Massachusetts Society of Anesthesiologists and the MMS objected to the removal of the word “local” from the definition of “surgical services”

## Proposed Change

- Staff recommend no change
- The proposed definition specifies those surgical services that require specific licensure for a clinic as an ASC
- Staff do not believe surgeries requiring only local anesthesia need to be restricted to ambulatory surgery centers
- Note that this provision is not specifically connected to LSCs

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# Care of Young Children

## Comments

- Twelve individual physicians, the MMS, the Massachusetts Academy of Family Physicians (MAFP) and the Massachusetts Chapter of the American Academy of Pediatrics (MCAAP) objected to the removal of the prohibition on treatment of children under two years old
- Rationale for the objections was discontinuity from the medical home

## Proposed Change

- Staff prohibited the provision of services to children < 18 months old.
- LSCs must counsel parents/guardians on the importance of maintaining a relationship with a PCP for well child care.

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# Childhood Immunizations

## Comments

- Twelve individual physicians, the MMS, the Massachusetts Academy of Family Physicians (MAFP) and the Massachusetts Chapter of the American Academy of Pediatrics (MCAAP) objected to the removal of the prohibition on administration of childhood vaccines in LSCs
- Rationale for the objections was lack of a comprehensive record of vaccines in the medical home

## Proposed Change

- LSCs must disclose whether they participate in the Massachusetts Immunization Program, and to indicate that the cost for immunizations provided in an LSC may differ from the costs provided in a PCP's office.
- Staff added a requirement that there be specific policies to address repeat visits for childhood immunizations.
- The LSC must document the transmission of a record of any visit for immunizations.

# Miscellaneous Changes

- Staff propose further revisions to use the defined term to distinguish a PCP who manages patient care and may serve as a medical home, from those practitioners who may provide primary care services without acting as the PCP.
- "Posting" vs. "disclosure:" The MMS comments suggested a difference in the terms; there is a proposed clarification.
- The reference in the definition of "limited services" that refers to other services that require specific licensure is being amended to address the concern voiced by MinuteClinic that lack of designation as a dental clinic should not preclude an assessment for a dental infection.

# Next Steps

- Questions?
- Requesting final promulgation of regulations