

**CHAPTER 7. PRIMARY HEALTH CENTERS UNDER THE
HEALTH CARE SERVICES MALPRACTICE ACT**

- Sec.
7.1. Statutory coverage.
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Authority

The provisions of this Chapter 7 issued under section 2102(g) of The Administrative Code of 1929 (71 P. S. § 532(g)); and section 103 of the Health Care Services Malpractice Act (40 P. S. § 1301.103), unless otherwise noted.

Source

The provisions of this Chapter 7 adopted April 8, 1977, 7 Pa.B. 996, unless otherwise noted.

§ 7.1. Statutory coverage.

The Department of Health will consider, for purposes of the Health Care Services Malpractice Act (40 P. S. §§ 1301.101—1301.1006) (hereinafter, the act) and for no other purpose, that any Commonwealth community-based, nonprofit corporation meets the statutory description of a primary health center as defined in the act if the corporation provides preventive, diagnostic, therapeutic, and basic emergency health services by licensed practitioners who are employees of the corporation or under contract to the corporation to patients who are usually ambulatory and who may require any of a variety of medical or health related services and if the corporation makes application to the Department in the manner provided in this chapter and demonstrates compliance with § 7.2 (relating to minimum standards).

Cross References

This section cited in 28 Pa. Code § 7.2 (relating to minimum standards).

§ 7.2. Minimum standards.

The following minimum standards shall be maintained under § 7.1 (relating to statutory coverage):

- (1) There is a governing authority legally responsible for the conduct of the center, a majority of the membership of which are residents of the area served by the center, are potential users of the service and are not employed by and do not have any other financial interest in the operation of the center.
- (2) The center is managed by a specifically designated person responsible for operating the center in accordance with policies clearly enunciated by the Board of Directors of the corporation.

(3) Clear, precise, and complete financial records and other business records, such as Board meeting minutes, are kept in accordance with generally accepted accounting and business procedures.

(4) Clear, precise, and complete medical records are kept which include a record of a basic history and physical examination, a record of presenting complaints, laboratory studies, diagnoses, prescribed therapy, medications, progress and evaluation of the therapy prescribed, and summaries and evaluations of any and all specialized health services, including hospitalization, for which patients have been referred outside the center, and all entries in the records are dated and authenticated.

(5) When appropriate specialized services are not available at the primary health center, the patient is provided with a choice of referral to qualified specialists to whom the medical records of the patient are made available. If the primary health center is part of a closed panel group practice making its services available through a prepayment mechanism, such as a health maintenance organization, nothing in this paragraph shall be interpreted to obligate that organization to pay for specialist services if and when a patient chooses to be referred outside the panel.

(6) Patients are accorded an opportunity to have their own medical records explained to them by an appropriate health care professional as designated by a physician and qualified by training and skill to accurately interpret the records and counsel patients.

(7) The facilities in which the services are rendered are safe, sanitary, and adequately equipped.

(8) There is an organized medical or professional staff responsible for maintaining accepted standards of medical, surgical, or health-related care and for requiring staff members to participate in recognized continuing education programs.

Cross References

This section cited in 28 Pa. Code § 7.1 (relating to statutory coverage); and 28 Pa. Code § 7.3 (relating to documentation to be submitted).

§ 7.3. Documentation to be submitted.

(a) The Department of Health will request that the following documentation of adherence to the standards be submitted to the Department of Health:

(1) A statement that the corporation meets the eight standards prescribed in § 7.2 (relating to minimum standards) for a facility to qualify as a primary health center as defined in the act.

(2) A copy of the certificate of incorporation and bylaws along with a list of members of the Board of Directors identified by home address and principal occupation.

- (3) The name and address of the person designated by the Board of Directors to manage the operation of the center with a copy of the Board resolution designating such person to perform this function.
 - (4) A sample of the principal business forms and a brief description of the accounting system and business procedures used.
 - (5) A sample of a patient chart, demonstrating the form in which the medical records are kept.
 - (6) A description of referral procedures and an identification of principal referral resources.
 - (7) A description of method utilized to inform patients of contents of their medical records.
 - (8) A copy of Certificate of Safety for Public Occupancy and Safety of Elevators, if elevators are utilized, and Laboratory and Pharmacy Certificates, if such exist.
 - (9) A list of professional staff members with brief indications of professional qualifications, such as degrees.
 - (10) A brief description of the continuing education program in which the professional staff members participate and a brief description of other quality assurance measures utilized.
- (b) The items listed in subsection (a) shall be submitted under cover of a notarized letter from the chairman of the governing body of the facility or his designee, certifying as to the completeness and accuracy of all statements and information submitted.

Cross References

This section cited in 28 Pa. Code § 7.4 (relating to issuance of a certificate).

§ 7.4. Issuance of a certificate.

- (a) Facilities seeking to qualify as primary health centers under the act shall submit the documentation required by § 7.3 (relating to documentation to be submitted) to the Division of Primary Care Development, Department of Health, Post Office Box 90, Harrisburg, Pennsylvania 17108.
- (b) Upon review and approval by the Department of Health of the required documentation, the Secretary will issue a certificate to the facility. The certificate will be effective for 2 years from date of issuance and may be renewed for successive 2-year periods upon review and approval by the Department of Health of the documentation required by § 7.3. Whenever the Department intends to deny an application, the applicant will be notified and have the right to request, within 30 days, a hearing.
- (c) For purposes of the act, the facility shall qualify as a “health care provider” from the date of issuance of the certificate. Notice of certification will be sent promptly to the Administrator for Arbitration Panels for Health Care and to the director of the Medical Professional Liability Catastrophe Loss Fund. Facili-

ties which are certificated as “primary health centers” shall be required, in conformity with the act, to purchase and maintain a specific amount of malpractice insurance.

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