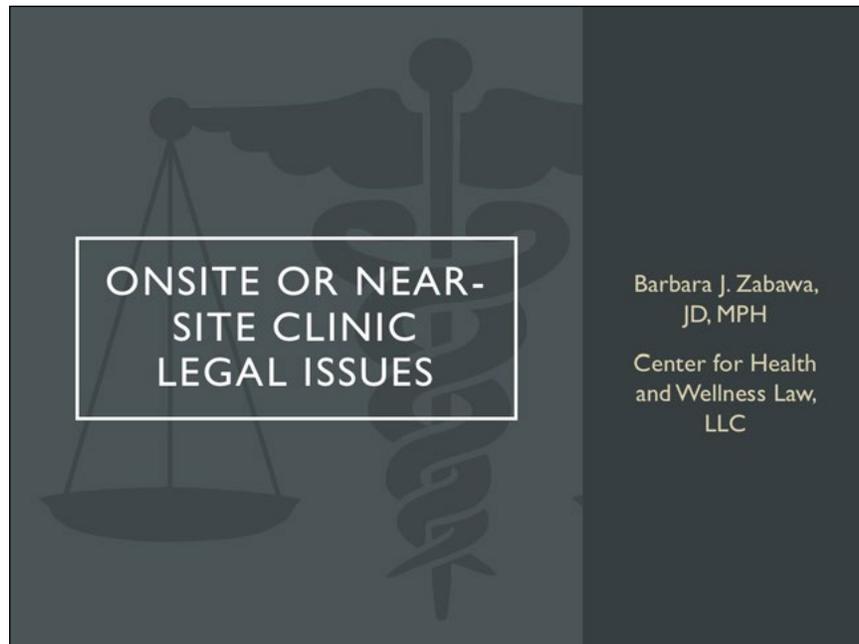
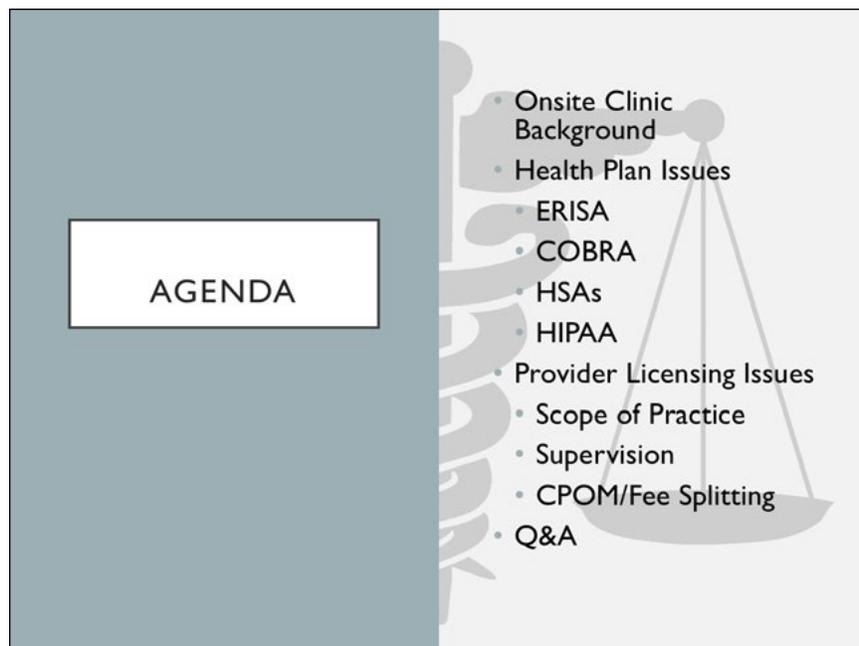


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ONSITE CLINICS

- Offered by employers
- Care limited to employees, eligible retirees, and dependents
- May offer full range of primary care and occasionally specialist care
- Services may be free or have cost-sharing
 - E.g., \$25 fee or co-pay amount.

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ONSITE CLINIC STATISTICS

- Old worksite clinics being repurposed:
- Moving from occupational health to primary care and health promotion.
 - Wellness activities include:
 - HRAs
 - Disease management programs
 - Flu shots
 - Behavioral counseling
 - Health coaching
 - Fitness programs
 - Smoking and nutrition clinics

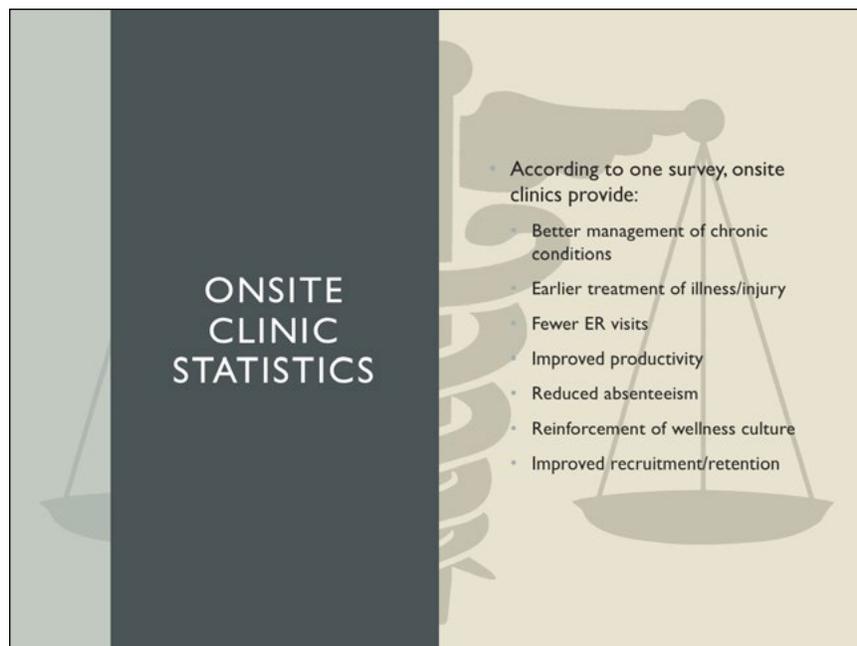
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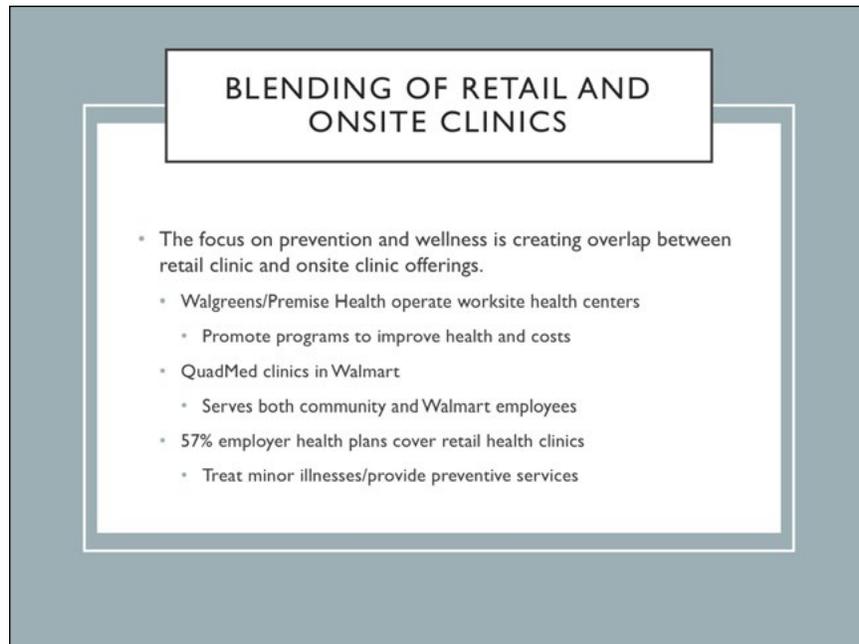
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BLENDING OF RETAIL AND ONSITE CLINICS

- The focus on prevention and wellness is creating overlap between retail clinic and onsite clinic offerings.
- Walgreens/Premise Health operate worksite health centers
 - Promote programs to improve health and costs
- QuadMed clinics in Walmart
 - Serves both community and Walmart employees
- 57% employer health plans cover retail health clinics
 - Treat minor illnesses/provide preventive services

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HEALTH PLAN ISSUES



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ERISA

Requires plans to:

- Create plan documents
 - SPD
 - FORM 5500
 - SAR
 - SMM
- Have a claim/benefit appeal process

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ERISA

- Exempts onsite clinics that:
 - Treat only minor injuries/illnesses
 - Render first aid

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The infographic is titled "ERISA SOLUTIONS" and is set against a dark teal background. It features three numbered steps in grey boxes:

- 1**
Create separate plan for onsite clinic
•Allows all employees to use
- 2**
Create wrap document
•Limits use to health plan enrollees
- 3**
Provide dual sets of services
•Health plan enrollees get comprehensive services
•General employee population gets minor injury/illness care

The title "ERISA SOLUTIONS" is centered in a white box at the bottom of the infographic.

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The infographic is titled "BEWARE OF MEWAS" and features a background image of skydivers in various poses against a blue sky. The text is presented in a white box on a dark teal background:

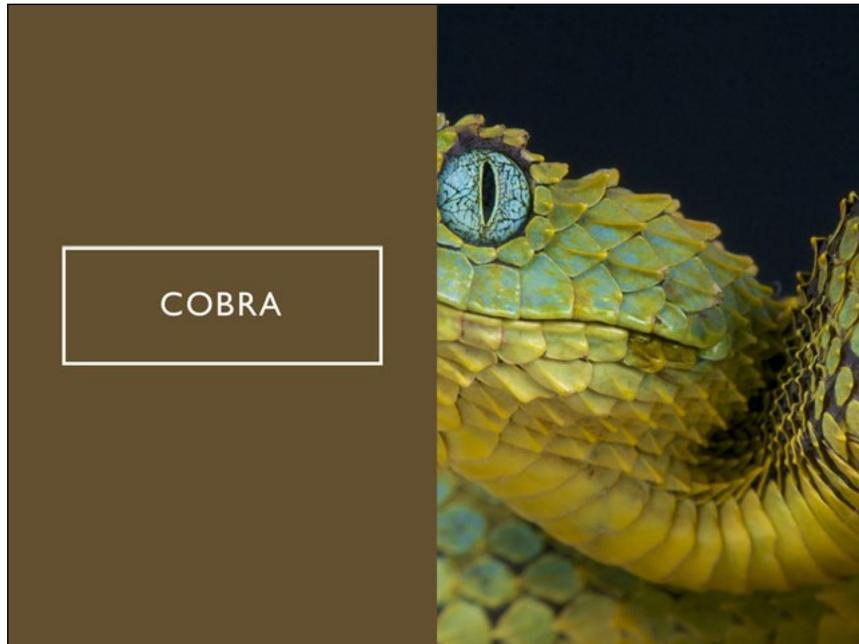
BEWARE OF MEWAS

Collaborating with other employers may lead to state insurance regulation

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COBRA

- Avoid COBRA compliance if
 - Medical care consists of first aid
 - Available only to current employees; and
 - No charge for use of clinic

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**HEALTH SAVINGS ACCOUNT
(HSA) ELIGIBILITY**

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A slide thumbnail with a dark grey vertical bar on the left containing a white box with the text "HSA". To the right, there are two rounded rectangular callouts: a light blue one with the text "Tax deductible contribution employee account" and an orange one with the text "Must be tied to High Deductible Health Plan".

↓ NOTES: Using Acrobat Reader, you can now type out your notes in the space provided under each thumbnail slide. DON'T FORGET TO SAVE YOUR FILE! ↓

A slide thumbnail with a dark grey vertical bar on the left containing a teal oval with the text "HSA". To the right, there is a bullet point: "• Onsite/near-site clinics that provide 'significant benefits in the nature of medical care' at free or reduced cost may jeopardize HSA eligibility".

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Not significant benefits:

- Physicals
- Immunizations
- Allergy injections
- OTC pain reliever distribution
- Treatment of worksite injuries

HSA

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HSA

- Avoid jeopardizing HSA eligibility by:
 - Charging everyone FMV for services
 - Identify HDHP employees and only charge them FMV

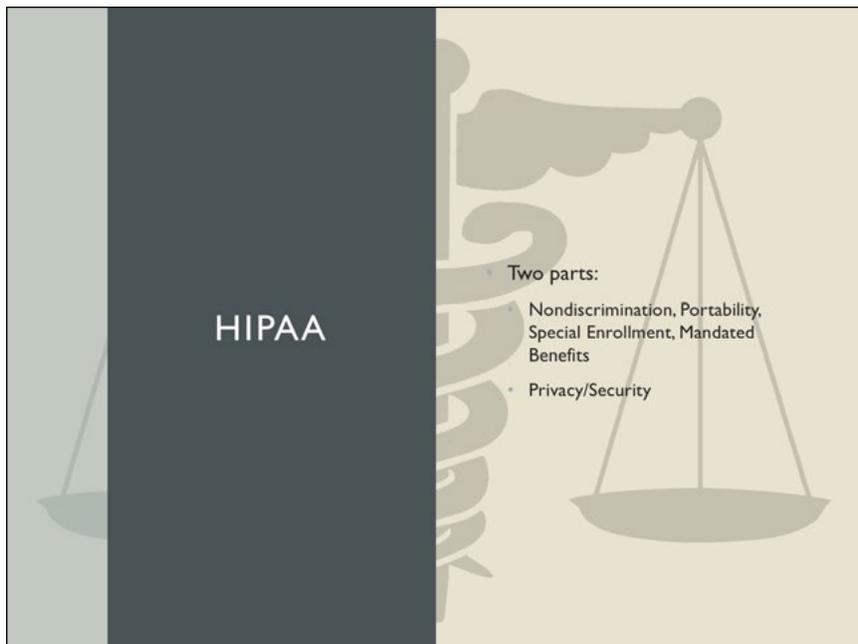
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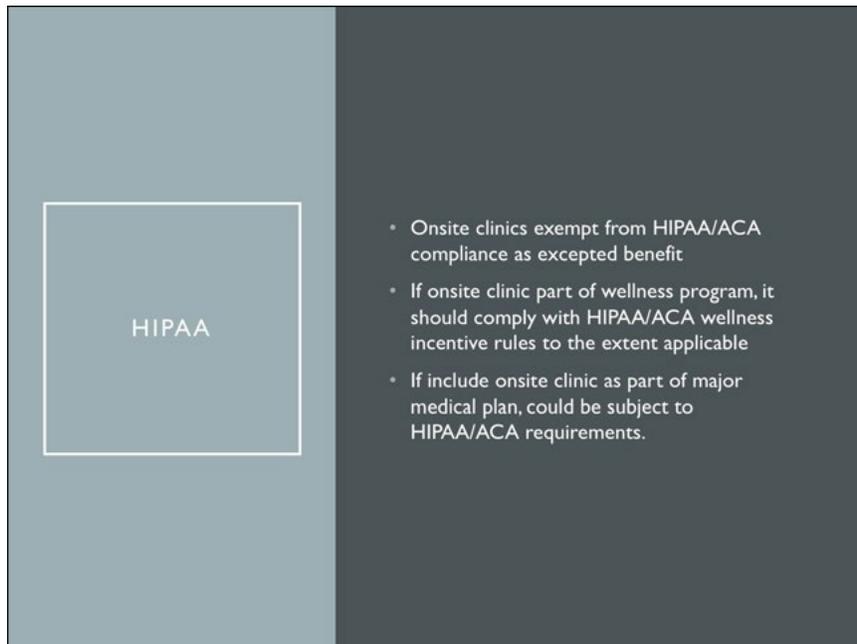
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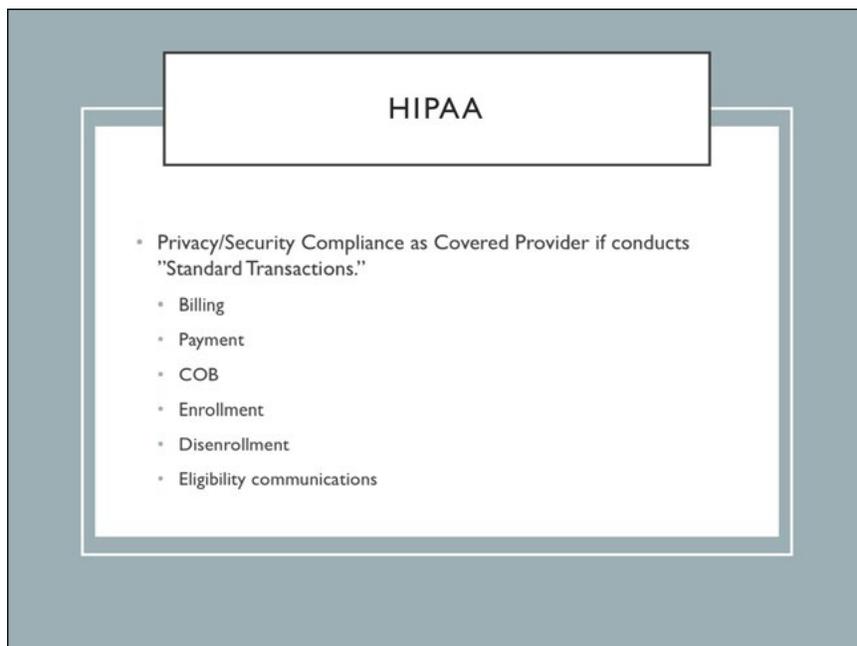


A thumbnail slide with a light blue background on the left and a dark grey background on the right. A white-bordered box on the left contains the word "HIPAA". The right side contains a bulleted list of three points regarding onsite clinic compliance.

HIPAA

- Onsite clinics exempt from HIPAA/ACA compliance as excepted benefit
- If onsite clinic part of wellness program, it should comply with HIPAA/ACA wellness incentive rules to the extent applicable
- If include onsite clinic as part of major medical plan, could be subject to HIPAA/ACA requirements.

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A thumbnail slide with a light blue background. A white-bordered box at the top contains the word "HIPAA". Below it is a larger white-bordered box containing a bulleted list of six points regarding Privacy/Security Compliance.

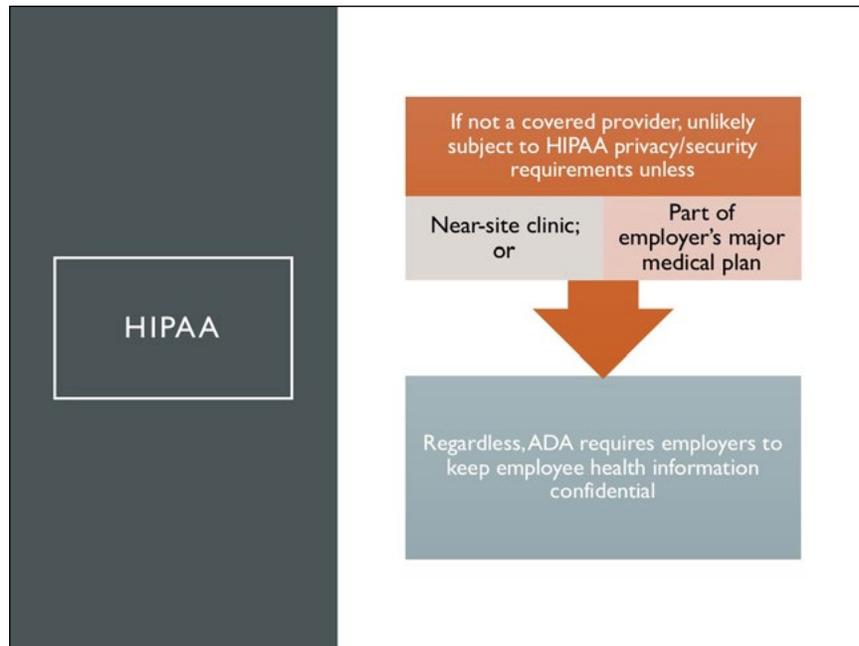
HIPAA

- Privacy/Security Compliance as Covered Provider if conducts "Standard Transactions."
 - Billing
 - Payment
 - COB
 - Enrollment
 - Disenrollment
 - Eligibility communications

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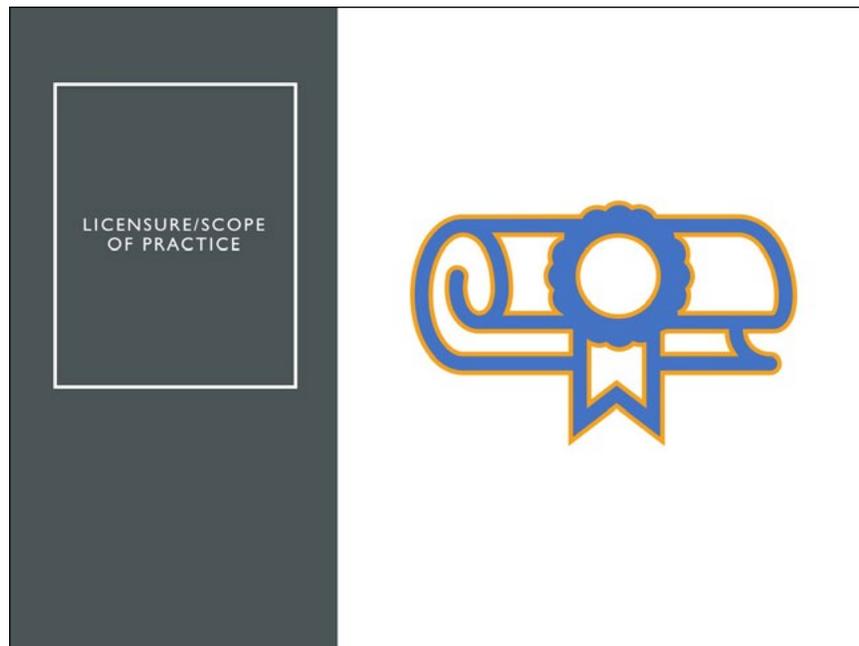
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Empty rectangular box for notes.



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Empty rectangular box for notes.

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LICENSURE/SCOPE OF PRACTICE

- Professionals in the Onsite/Near-site clinic may require a license
- Practice of Medicine
 - Diagnosing
 - Treating
 - Prescribing
 - Operating



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LICENSING/SCOPE OF PRACTICE

Practice of Psychology

- Predicting and influencing behavior pertaining to
 - Learning
 - Perception
 - Motivation
 - Thinking
 - Emotions

Counseling

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SCOPE OF PRACTICE/SUPERVISION

- Onsite clinics staffed by Nurse Practitioners and Physician Assistants
- Nurse Practitioners (Advanced Practice Nurse Prescriber (APNPs))
 - Wis. Stat. s. 441.16; Wis. Admin. Code N ch. 8
- Physician Assistants (PAs)
 - Wis. Stat. s. 448.21; Wis. Admin. Code Med ch. 8

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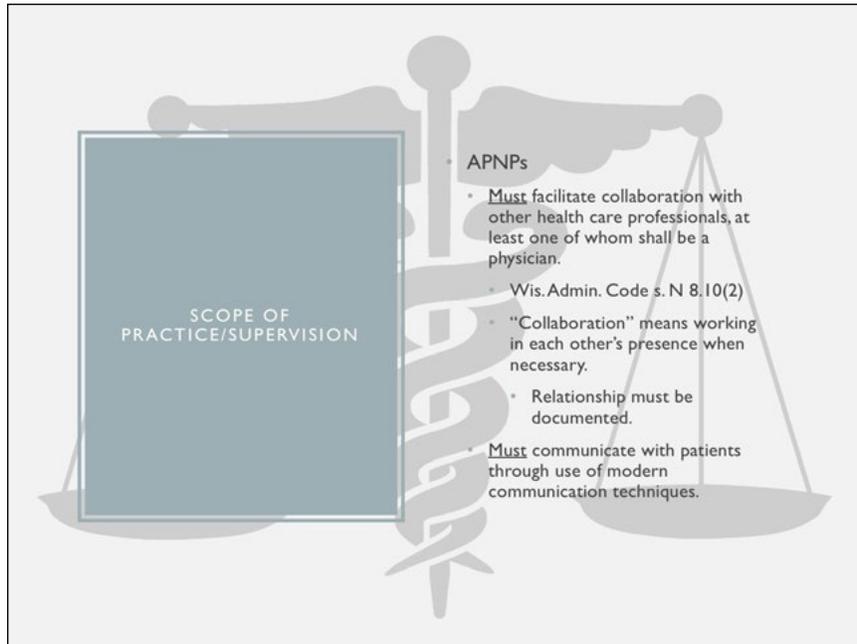
SCOPE OF PRACTICE/SUPERVISION

- APNPs
 - Registered Nurse with additional training and prescription authority.
 - May not issue schedule I controlled substances
 - May not issue certain schedule II controlled substances except in limited circumstances identified in Wis. Admin. Code s. N. 8.06(3)
 - May not prescribe steroids for athletic performance enhancing activities.

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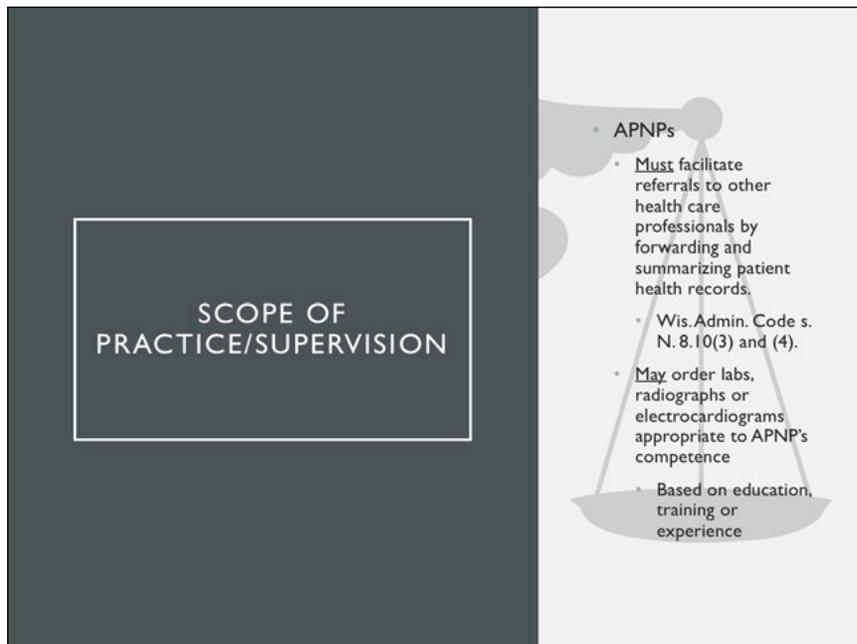
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SCOPE OF PRACTICE/SUPERVISION

- APNPs
 - Must facilitate collaboration with other health care professionals, at least one of whom shall be a physician.
 - Wis. Admin. Code s. N 8.10(2)
 - “Collaboration” means working in each other’s presence when necessary.
 - Relationship must be documented.
 - Must communicate with patients through use of modern communication techniques.

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SCOPE OF PRACTICE/SUPERVISION

- APNPs
 - Must facilitate referrals to other health care professionals by forwarding and summarizing patient health records.
 - Wis. Admin. Code s. N. 8.10(3) and (4).
 - May order labs, radiographs or electrocardiograms appropriate to APNP’s competence
 - Based on education, training or experience

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SCOPE OF PRACTICE/SUPERVISION

- PAs
 - May not be self-employed
 - Must be supervised by a physician
 - Must be available to PA at all times for consult either in person or within 15 minutes of contact by phone or other means. Wis. Admin. Code Med 8.10.
 - No more than 4 PA to 1 MD/DO ratio
 - May prescribe in accordance with guidelines established by supervising physician

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CORPORATE PRACTICE OF MEDICINE (CPOM)



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CORPORATE PRACTICE OF MEDICINE

- “No person may practice medicine and surgery, or attempt to do so or make a representation as authorized to do so, without a license to practice medicine and surgery granted by the board.”
- Wis. Stat. s. 448.03(1).

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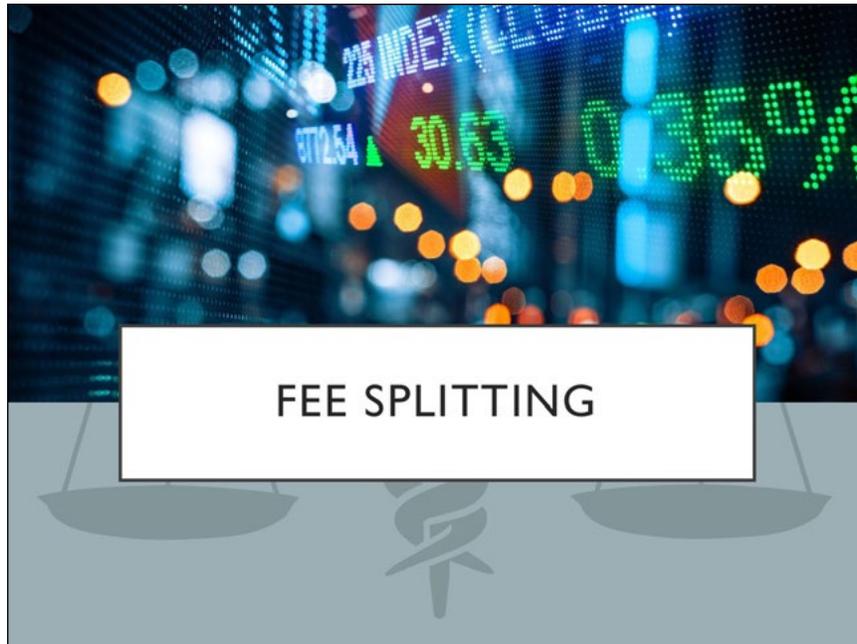
CORPORATE PRACTICE OF MEDICINE

- Exceptions:
 - Professional Service Corporation
 - Wis. Stat. s. 180.1901
 - General Partnership
 - Wis. Stat. ss. 448.08(4), 448.56(3) and 448.67(4)
 - LLCs/LLPs
 - Medical Examining Board position statement change; Injured Patient & Families Compensation Form change in 2005 Act 36
 - Hospitals Wis. Stat. s. 448.08(5)
 - Cooperatives Wis. Stat. s. 185.981
 - Defined Network Plans Wis. Stat. s. 609.01(1b)

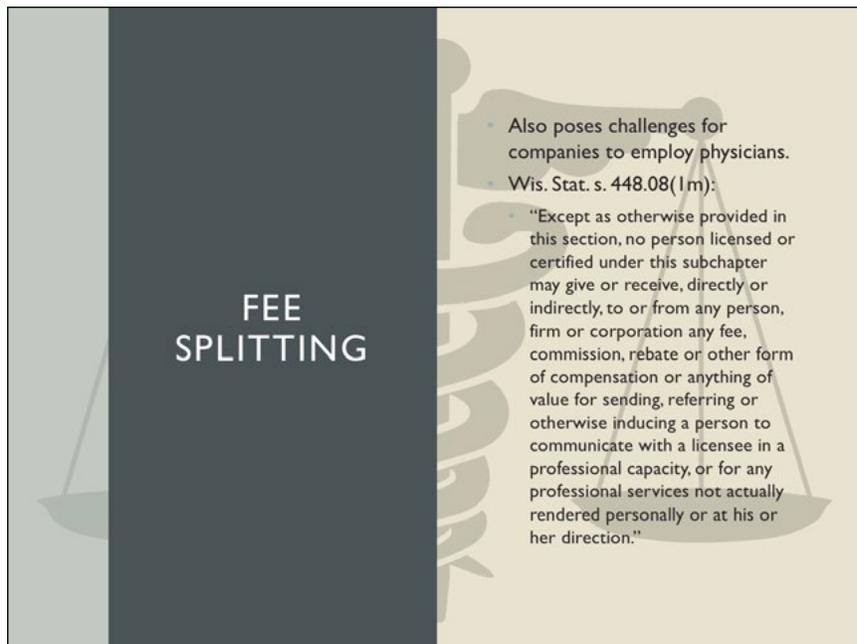
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CASE EXAMPLE I

- ABC Company wishes to add an onsite clinic for its employees in Wisconsin. The clinic would be integrated with its wellness program. Employees could use the clinic for HRAs and biometric screens, counseling, coaching, primary care services, as well as first aid for work-related injuries or illnesses. ABC employs Jane Smith, MD, Robert Jones, PA-C and Terry Johnson, a health coach, to staff the clinic.
- Can ABC employ these individuals?

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ANSWER

- No, not the physician or PA because of CPOM. ABC would need to consider an independent contractor relationship with the MD and PA's clinic as one option. To avoid fee splitting issues, ABC could form a Management Services Organization whereby it provides administrative support and space to the clinic and gets paid a fee for those management services.



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CASE EXAMPLE 2

- ABC Company wishes to add an onsite clinic for its employees in Wisconsin. The clinic would be integrated with its wellness program. Employees could use the clinic for HRAs and biometric screens, counseling, coaching, primary care services, as well as first aid for work-related injuries or illnesses. ABC employs Jane Smith, MD, Robert Jones, PA-C and Terry Johnson, a health coach, to staff the clinic.
- Will the onsite clinic jeopardize the employees' HSA eligibility?

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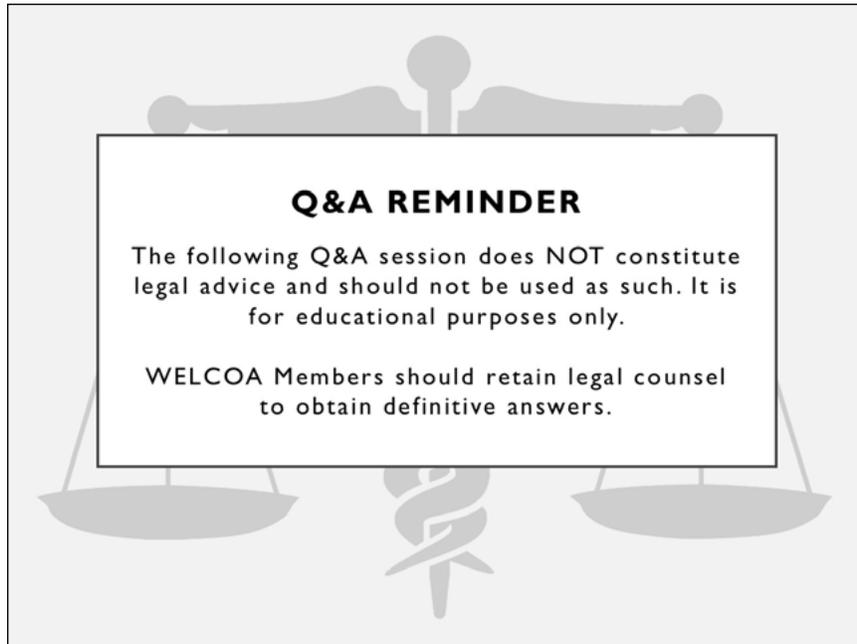
ANSWER

Likely yes, as the clinic appears to offer significant benefits in the nature of medical care (e.g. primary care services). ABC could minimize that risk by charging employees fair market value for the significant medical benefits provided at the clinic.

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Q&A REMINDER

The following Q&A session does NOT constitute legal advice and should not be used as such. It is for educational purposes only.

WELCOA Members should retain legal counsel to obtain definitive answers.

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