

Bill No. CS for SB 1558, 1st Eng.

Amendment No. Barcode 100780

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Senator Saunders moved the following amendment to amendment (791604):

Senate Amendment

On page 248, line 15, through page 252, line 22 delete those lines

and insert:

Section 103. Effective October 1, 2001, section 456.0375, Florida Statutes, is created to read:

456.0375 Registration of certain clinics; requirements; discipline; exemptions.--

(1)(a) As used in this section, the term "clinic" means a business operating in a single structure or facility, or in a group of adjacent structures or facilities operating under the same business name or management, at which health care services are provided to individuals and which tender charges for reimbursement for such services.

(b) For purposes of this section, the term "clinic" does not include and the registration requirements herein do not apply to:

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1 1. Entities licensed or registered by the state
2 pursuant to chapter 390, chapter 394, chapter 395, chapter
3 397, chapter 400, chapter 463, chapter 465, chapter 466,
4 chapter 478, chapter 480, or chapter 484.

5 2. Entities exempt from federal taxation under 26
6 U.S.C. s. 501(c)(3).

7 3. Sole proprietorships, group practices,
8 partnerships, or corporations that provide health care
9 services by licensed health care practitioners pursuant to
10 chapters 457, 458, 459, 460, 461, 462, 463, 466, 467, 484,
11 486, 490, 491, or parts I, III, X, XIII, or XIV of chapter
12 468, or s. 464.012, which are wholly owned by licensed health
13 care practitioners or the licensed health care practitioner
14 and the spouse, parent, or child of a licensed health care
15 practitioner, so long as one of the owners who is a licensed
16 health care practitioner is supervising the services performed
17 therein and is legally responsible for the entity's compliance
18 with all federal and state laws. However, no health care
19 practitioner may supervise services beyond the scope of the
20 practitioner's license.

21 (2)(a) Every clinic, as defined in paragraph (1)(a),
22 must register, and must at all times maintain a valid
23 registration, with the Department of Health. Each clinic
24 location shall be registered separately even though operated
25 under the same business name or management, and each clinic
26 shall appoint a medical director or clinical director.

27 (b) The department shall adopt rules necessary to
28 implement the registration program, including rules
29 establishing the specific registration procedures, forms, and
30 fees. Registration fees must be reasonably calculated to
31 cover the cost of registration and must be of such amount that

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1 the total fees collected do not exceed the cost of
2 administering and enforcing compliance with this section.
3 Registration may be conducted electronically. The registration
4 program must require:

5 1. The clinic to file the registration form with the
6 department within 60 days after the effective date of this
7 section or prior to the inception of operation. The
8 registration expires automatically 2 years after its date of
9 issuance and must be renewed biennially.

10 2. The registration form to contain the name,
11 residence and business address, phone number, and license
12 number of the medical director or clinical director for the
13 clinic.

14 3. The clinic to display the registration certificate
15 in a conspicuous location within the clinic readily visible to
16 all patients.

17 (3)(a) Each clinic must employ or contract with a
18 physician maintaining a full and unencumbered physician
19 license in accordance with chapter 458, chapter 459, chapter
20 460, or chapter 461 to serve as the medical director.
21 However, if the clinic is limited to providing health care
22 services pursuant to chapter 457, chapter 484, chapter 486,
23 chapter 490, or chapter 491 or part I, part III, part X, part
24 XIII, or part XIV of chapter 468, the clinic may appoint a
25 health care practitioner licensed under that chapter to serve
26 as a clinical director who is responsible for the clinic's
27 activities. A health care practitioner may not serve as the
28 clinical director if the services provided at the clinic are
29 beyond the scope of that practitioner's license.

30 (b) The medical director or clinical director shall
31 agree in writing to accept legal responsibility for the

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1 following activities on behalf of the clinic. The medical
2 director or the clinical director shall:

3 1. Have signs identifying the medical director or
4 clinical director posted in a conspicuous location within the
5 clinic readily visible to all patients.

6 2. Ensure that all practitioners providing health care
7 services or supplies to patients maintain a current active and
8 unencumbered Florida license.

9 3. Review any patient referral contracts or agreements
10 executed by the clinic.

11 4. Ensure that all health care practitioners at the
12 clinic have active appropriate certification or licensure for
13 the level of care being provided.

14 5. Serve as the clinic records holder as defined in s.
15 456.057.

16 6. Ensure compliance with the recordkeeping, office
17 surgery, and adverse incident reporting requirements of
18 chapter 456, the respective practice acts, and rules adopted
19 thereunder.

20 7. Conduct systematic reviews of clinic billings to
21 ensure that the billings are not fraudulent or unlawful. Upon
22 discovery of an unlawful charge, the medical director shall
23 take immediate corrective action.

24 (c) Any contract to serve as a medical director or a
25 clinical director entered into or renewed by a physician or a
26 licensed health care practitioner in violation of this section
27 is void as contrary to public policy. This section shall
28 apply to contracts entered into or renewed on or after October
29 1, 2001.

30 (d) The department, in consultation with the boards,
31 shall adopt rules specifying limitations on the number of

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1 registered clinics and licensees for which a medical director
2 or a clinical director may assume responsibility for purposes
3 of this section. In determining the quality of supervision a
4 medical director or a clinical director can provide, the
5 department shall consider the number of clinic employees,
6 clinic location, and services provided by the clinic.

7 (4)(a) All charges or reimbursement claims made by or
8 on behalf of a clinic that is required to be registered under
9 this section, but that is not so registered, are unlawful
10 charges and therefore are noncompensable and unenforceable.

11 (b) Any person establishing, operating, or managing an
12 unregistered clinic otherwise required to be registered under
13 this section commits a felony of the third degree, punishable
14 as provided in s. 775.082, s. 775.083, or s. 775.084.

15 (c) Any licensed health care practitioner who violates
16 this section is subject to discipline in accordance with
17 chapter 456 and the respective practice act.

18 (d) The department shall revoke the registration of
19 any clinic registered under this section for operating in
20 violation of the requirements of this section or the rules
21 adopted by the department.

22 (e) The department shall investigate allegations of
23 noncompliance with this section and the rules adopted pursuant
24 to this section.

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