Bill No. CS for SB 1558, 1st Eng. Amendment No. ____ Barcode 232724 CHAMBER ACTION Senate House 1 2 3 4 5 6 7 8 9 10 Senator Saunders moved the following amendment to amendment 11 12 (791604): 13 14 Senate Amendment On page 248, line 15, page 252, line 22 delete those 15 16 lines 17 18 and insert: 19 Section 103. Effective October 1, 2001, section 456.0375, Florida Statutes, is created to read: 20 456.0375 Registration of certain clinics; 21 22 requirements; discipline; exemptions.--23 (1)(a) As used in this section, the term "clinic" 24 means a business operating in a single structure or facility, or in a group of adjacent structures or facilities operating 25 26 under the same business name or management, at which health 27 care services are provided to individuals and which tender charges for reimbursement for such services. 28 (b) For purposes of this section, the term "clinic" 29 30 does not include and the registration requirements herein do 31 not apply to: 1

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1. Entities licensed or registered by the state 1 pursuant to chapter 390, chapter 394, chapter 395, chapter 2 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, partnerships, or corporations that provide health care 8 services by licensed health care practitioners pursuant to 9 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 care practitioners or the licensed health care practitioner 13 and the spouse, parent, or child of a licensed health care 14 15 practitioner, so long as one of the owners who is a licensed health care practitioner is supervising the services performed 16 17 therein and is legally responsible for the entity's compliance 18 with all federal and state laws. However, no health care practitioner may supervise services beyond the scope of the 19 20 practitioner's license. (2)(a) Every clinic, as defined in paragraph (1)(a), 21 must register, and must at all times maintain a valid 22 registration, with the Department of Health. Each clinic 23 24 location shall be registered separately even though operated under the same business name or management, and each clinic 25 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 cover the cost of registration and must be of such amount that 31 2

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the total fees collected do not exceed the cost of 1 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 registration expires automatically 2 years after its date of 8 issuance and must be renewed biennially. 9 10 2. The registration form to contain the name, residence and business address, phone number, and license 11 12 number of the medical director or clinical director for the 13 clinic. 3. The clinic to display the registration certificate 14 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 license in accordance with chapter 458, chapter 459, chapter 19 20 460, or chapter 461 to serve as the medical director. 21 However, if the clinic is limited to providing health care services pursuant to chapter 457, chapter 484, chapter 486, 22 chapter 490, or chapter 491 or part I, part III, part X, part 23 XIII, or part XIV of chapter 468, the clinic may appoint a 24 health care practitioner licensed under that chapter to serve 25 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 beyond the scope of that practitioner's license. 29 30 (b) The medical director or clinical director shall agree in writing to accept legal responsibility for the 31 3

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following activities on behalf of the clinic. The medical 1 2 director or the clinical director shall: 1. Have signs identifying the medical director or 3 4 clinical director posted in a conspicuous location within the 5 clinic readily visible to all patients. 2. Ensure that all practitioners providing health care 6 7 services or supplies to patients maintain a current active and unencumbered Florida license. 8 3. Review any patient referral contracts or agreements 9 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 thereunder. 19 7. Conduct systematic reviews of clinic billings to 20 ensure that the billings are not fraudulent or unlawful. Upon 21 discovery of an unlawful charge, the medical director shall 22 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 licensed health care practitioner in violation of this section 26 27 is void as contrary to public policy. This section shall apply to contracts entered into or renewed on or after October 28 29 1, 2001. 30 (d) The department, in consultation with the boards, shall adopt rules specifying limitations on the number of 31 4 12:43 PM 05/03/01 s1558.hc25.w3

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registered clinics and licensees for which a medical director 1 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 department shall consider the number of clinic employees, 5 6 clinic location, and services provided by the clinic. 7 (4)(a) All charges or reimbursement claims made by or on behalf of a clinic that is required to be registered under 8 this section, but that is not so registered, are unlawful 9 10 charges and therefore are noncompensable and unenforceable. (b) Any person establishing, operating, or managing an 11 12 unregistered clinic otherwise required to be registered under 13 this section commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. 14 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 any clinic registered under this section for operating in 19 violation of the requirements of this section or the rules 20 21 adopted by the department. (e) The department shall investigate allegations of 22 noncompliance with this section and the rules adopted pursuant 23 24 to this section. 25 26 27 28 29 30 31 5

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