

By Representative Lacasa

1                                   A bill to be entitled  
2           An act relating to medical practice; creating  
3           s. 458.35, F.S.; limiting to certain medical  
4           licensees the ownership or operation of medical  
5           practice settings or diagnostic facilities;  
6           providing exemptions; requiring certain medical  
7           practice settings or diagnostic facilities not  
8           owned by such licensees to employ a medical  
9           director; requiring registration of medical  
10          practice settings or diagnostic facilities;  
11          providing for fees; providing for the adoption  
12          of rules; providing responsibilities for  
13          medical directors of such facilities; providing  
14          penalties; providing an effective date.

15  
16 Be It Enacted by the Legislature of the State of Florida:

17  
18           Section 1. Section 458.35, Florida Statutes, is  
19          created to read:

20                   458.35 Medical-practice settings and diagnostic  
21                   facilities; restrictions on ownership; registration.--

22                   (1) A person or entity, other than a physician or  
23                   physician assistant licensed pursuant to this chapter or  
24                   chapter 459 or a professional corporation or limited liability  
25                   company composed only of licensed physicians or physician  
26                   assistants, may not employ a physician or physician assistant  
27                   to deliver health care services in a medical-practice setting  
28                   or diagnostic facility.

29                   (2) State agencies, facilities licensed by the  
30                   department or the Agency for Health Care Administration, and  
31                   nonprofit entities are exempt from this section.

1           (3) For purposes of this section, a medical-practice  
2 setting or diagnostic facility is considered a single  
3 structure or group of adjacent structures operating under the  
4 same business name in which medical services are provided.

5           (4) Any lease, rental agreement, or other arrangement  
6 between a licensed physician or physician assistant and a  
7 nonlicensed person who provides medical equipment or materials  
8 or services to a medical-practice setting or diagnostic  
9 facility must require that the licensed physician or physician  
10 assistant maintain care, custody, and control of the  
11 equipment, materials, or services.

12           (5) Medical-practice settings or diagnostic facilities  
13 that are owned by persons other than licensed physicians or  
14 physician assistants or are owned by entities other than  
15 professional corporations or limited liability companies whose  
16 shareholders are licensed physicians or physician assistants  
17 that existed before October 1, 2001, and that employed  
18 physicians or physician assistants licensed under this chapter  
19 or chapter 459 to deliver health care services may continue to  
20 operate only if they contract with a physician licensed  
21 pursuant to this chapter or chapter 459 to serve as medical  
22 director.

23           (6)(a) Medical-practice settings or diagnostic  
24 facilities must register with the Agency for Health Care  
25 Administration.

26           (b) The Agency for Health Care Administration shall  
27 adopt rules to implement a registration program, including  
28 rules prescribing registration fees and establishing penalties  
29 for violations. The fees must not exceed an amount that will  
30 provide sufficient revenues to administer the registration  
31 program.

- 1       (7) A medical director must accept in writing the  
2 legal obligation and responsibility for supervising the  
3 delivery of services in a medical-practice setting or  
4 diagnostic facility, including:
- 5           (a) Maintaining a sign in a conspicuous location in  
6 the facility which identifies the medical director, the hours  
7 when he or she is on site, and the medical director's  
8 responsibilities.
- 9           (b) Maintaining an active license in this state.
- 10          (c) Being present on site at least 20 hours each week  
11 or such other hours as are required by the board.
- 12          (d) Reviewing contracts or agreements for patient  
13 referrals.
- 14          (e) Ensuring that all health care providers at the  
15 facility have active appropriate certification or licensure  
16 for the level of care being provided.
- 17          (f) Serving as the records holder pursuant to s.  
18 456.057.
- 19          (g) Complying with medical recordkeeping, office  
20 surgery, and adverse-incident reporting requirements.
- 21          (h) Conducting systematic reviews of the facility's  
22 billing of services to ensure that they are not fraudulent.
- 23          (i) Maintaining on-site documentation of the  
24 credentials and licensure status of the facility's health care  
25 providers and making these documents available for inspection  
26 by regulators.
- 27          (j) Developing and implementing a systematic  
28 patient-safety program to identify and correct unsafe  
29 practices in accordance with acceptable risk-management  
30 standards.
- 31

1       (8) The board may adopt rules necessary to administer  
2 this section.

3       (9) Any person who violates this section commits a  
4 felony of the third degree, punishable as provided in s.  
5 775.082, s. 775.083, or s. 775.084.

6       (10) Any contract that violates this section is void.

7       (11) This section applies to contracts entered into or  
8 renewed on or after October 1, 2001.

9           Section 2. This act shall take effect October 1, 2001.

10

11

\*\*\*\*\*

12

LEGISLATIVE SUMMARY

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

Prohibits persons other than physicians or physician assistants from owning or operating medical-practice or diagnostic facilities. Provides exemptions and provides for the adoption of rules. Establishes responsibilities for medical directors of such facilities. Provides penalties. (See bill for details.)