

By Senator Garcia

39-532-01

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

A bill to be entitled

An act relating to medical practice; creating s. 458.35, F.S.; limiting to certain medical licensees the ownership or operation of medical practice settings or diagnostic facilities; providing exemptions; providing for the adoption of rules; providing responsibilities for medical directors of such facilities; providing penalties; providing an effective date.

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

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

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

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

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

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

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

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

19 (a) Medical-practice settings or diagnostic facilities
20 must register with the Agency for Health Care Administration.

21 (b) The Agency for Health Care Administration shall
22 adopt rules to implement a registration program, including
23 rules prescribing registration fees and establishing penalties
24 for violations. The fees must not exceed an amount that will
25 provide sufficient revenues to administer the registration
26 program.

27 (7) A medical director must accept in writing the
28 legal obligation and responsibility for supervising the
29 delivery of services in a medical-practice setting or
30 diagnostic facility, including:

31

1 (a) Maintaining a sign in a conspicuous location in
2 the facility which identifies the medical director, the hours
3 when he or she is on site, and the medical director's
4 responsibilities.

5 (b) Maintaining an active license in this state.

6 (c) Being present on site at least 20 hours each week
7 or such other hours as are required by the board.

8 (d) Reviewing contracts or agreements for patient
9 referrals.

10 (e) Ensuring that all health care providers at the
11 facility have active appropriate certification or licensure
12 for the level of care being provided.

13 (f) Serving as the records holder pursuant to s.
14 456.057.

15 (g) Complying with medical records-keeping, office
16 surgery, and adverse-incident reporting requirements.

17 (h) Conducting systematic reviews of the facility's
18 billing of services to ensure that they are not fraudulent.

19 (i) Maintaining on-site documentation of the
20 credentials and licensure status of the facility's health care
21 providers and making these documents available for inspection
22 by regulators.

23 (j) Developing and implementing a systematic
24 patient-safety program to identify and correct unsafe
25 practices in accordance with acceptable risk-management
26 standards.

27 (8) The board may adopt rules necessary to administer
28 this section.

29 (9) Any person who violates this section commits a
30 felony of the third degree, punishable as provided in s.
31 775.082, s. 775.083, or s. 775.084.

1 (10) Any contract that violates this section is void.
2 (11) This section applies to contracts entered into or
3 renewed on or after October 1, 2001.

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

5
6 *****

7 SENATE SUMMARY

8 Prohibits persons other than physicians or physician
9 assistants from owning or operating medical-practice or
10 diagnostic facilities. Provides exemptions and provides
11 for the adoption of rules. Establishes responsibilities
12 for medical directors of such facilities. Provides
13 penalties. (See bill for details.)
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31