

By Senator Diaz de la Portilla

36-1815-03

See HB 925

1                                   A bill to be entitled  
2           An act relating to health care services  
3           clinics; amending s. 456.0375, F.S.; requiring  
4           each health care services clinic required to be  
5           registered with the Department of Health to  
6           employ or designate a clinic administrator;  
7           requiring level 1 background screening;  
8           requiring the clinic to pay for the screening;  
9           providing responsibility and duties of the  
10          clinic administrator; providing an effective  
11          date.

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

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15           Section 1. Section 456.0375, Florida Statutes, is  
16 amended to read:

17           456.0375 Registration of certain clinics;  
18 requirements; discipline; exemptions.--

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

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

28           1. Entities licensed or registered by the state  
29 pursuant to chapter 390, chapter 394, chapter 395, chapter  
30 397, chapter 400, chapter 463, chapter 465, chapter 466,  
31 chapter 478, chapter 480, or chapter 484.

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

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

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

23           (b) The department shall adopt rules necessary to  
24 implement the registration program, including rules  
25 establishing the specific registration procedures, forms, and  
26 fees. Registration fees must be reasonably calculated to cover  
27 the cost of registration and must be of such amount that the  
28 total fees collected do not exceed the cost of administering  
29 and enforcing compliance with this section. Registration may  
30 be conducted electronically. The registration program must  
31 require:

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

6           2. The registration form to contain the name,  
7 residence and business address, phone number, and license  
8 number of the medical director or clinical director for the  
9 clinic.

10          3. The clinic to display the registration certificate  
11 in a conspicuous location within the clinic readily visible to  
12 all patients.

13          (3)(a) Each clinic must employ or contract with a  
14 physician maintaining a full and unencumbered physician  
15 license in accordance with chapter 458, chapter 459, chapter  
16 460, or chapter 461 to serve as the medical director. However,  
17 if the clinic is limited to providing health care services  
18 pursuant to chapter 457, chapter 484, chapter 486, chapter  
19 490, or chapter 491 or part I, part III, part X, part XIII, or  
20 part XIV of chapter 468, the clinic may appoint a health care  
21 practitioner licensed under that chapter to serve as a  
22 clinical director who is responsible for the clinic's  
23 activities. A health care practitioner may not serve as the  
24 clinical director if the services provided at the clinic are  
25 beyond the scope of that practitioner's license.

26          (b) The medical director or clinical director shall  
27 agree in writing to accept legal responsibility for the  
28 following activities on behalf of the clinic. The medical  
29 director or the clinical director shall:

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

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

7           ~~3. Review any patient referral contracts or agreements~~  
8 ~~executed by the clinic.~~

9           3.4. Ensure that all health care practitioners at the  
10 clinic have active appropriate certification or licensure for  
11 the level of care being provided.

12           ~~5. Serve as the clinic records holder as defined in s.~~  
13 ~~456.057.~~

14           ~~4.6.~~ Ensure compliance with the ~~recordkeeping,~~ office  
15 surgery, and adverse incident reporting requirements of this  
16 chapter, the respective practice acts, and rules adopted  
17 thereunder.

18           ~~5.7.~~ Conduct systematic reviews of clinic billings to  
19 ensure that the billings are not fraudulent or unlawful. Upon  
20 discovery of an unlawful charge, the medical director shall  
21 take immediate corrective action.

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

28           (d) The department, in consultation with the boards,  
29 shall adopt rules specifying limitations on the number of  
30 registered clinics and licensees for which a medical director  
31 or a clinical director may assume responsibility for purposes

1 of this section. In determining the quality of supervision a  
2 medical director or a clinical director can provide, the  
3 department shall consider the number of clinic employees,  
4 clinic location, and services provided by the clinic.

5 (4)(a) Each clinic must employ or designate a clinic  
6 administrator, who shall meet level 1 screening standards as  
7 specified in s. 435.03. The clinic is responsible for paying  
8 the costs of the screening.

9 (b) The clinic administrator shall agree in writing to  
10 accept legal responsibility for the following activities on  
11 behalf of the clinic. The clinic administrator shall:

12 1. Review all patient referral contracts or agreements  
13 executed by the clinic.

14 2. Serve as the clinic records holder for purposes of  
15 s. 456.057.

16 3. Ensure compliance with the recordkeeping  
17 requirements of this chapter, the respective practice acts,  
18 and rules adopted thereunder.

19 4. Conduct systematic reviews of clinic billings to  
20 ensure that the billings are not fraudulent or unlawful.

21 (5)(4)(a) All charges or reimbursement claims made by  
22 or on behalf of a clinic that is required to be registered  
23 under this section, but that is not so registered, are  
24 unlawful charges and therefore are noncompensable and  
25 unenforceable.

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

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1           (c) Any licensed health care practitioner who violates  
2 this section is subject to discipline in accordance with this  
3 chapter and the respective practice act.

4           (d) The department shall revoke the registration of  
5 any clinic registered under this section for operating in  
6 violation of the requirements of this section or the rules  
7 adopted by the department.

8           (e) The department shall investigate allegations of  
9 noncompliance with this section and the rules adopted pursuant  
10 to this section.

11           Section 2. This act shall take effect July 1, 2003.

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