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1 A bill to be entitled

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

10
11 Be It Enacted by the Legislature of the State of Florida:

12
13 Section 1. Section 456.0375, Florida Statutes, is amended
14 to read:

15 456.0375 Registration of certain clinics; requirements;
16 discipline; exemptions.--

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

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

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



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

32 3. Sole proprietorships, group practices, partnerships, or
33 corporations that provide health care services by licensed
34 health care practitioners pursuant to chapters 457, 458, 459,
35 460, 461, 462, 463, 466, 467, 484, 486, 490, 491, or part I,
36 part III, part X, part XIII, or part XIV of chapter 468, or s.
37 464.012, which are wholly owned by licensed health care
38 practitioners or the licensed health care practitioner and the
39 spouse, parent, or child of a licensed health care practitioner,
40 so long as one of the owners who is a licensed health care
41 practitioner is supervising the services performed therein and
42 is legally responsible for the entity's compliance with all
43 federal and state laws. However, no health care practitioner may
44 supervise services beyond the scope of the practitioner's
45 license.

46 (2)(a) Every clinic, as defined in paragraph (1)(a), must
47 register, and must at all times maintain a valid registration,
48 with the Department of Health. Each clinic location shall be
49 registered separately even though operated under the same
50 business name or management, and each clinic shall appoint a
51 medical director or clinical director.

52 (b) The department shall adopt rules necessary to
53 implement the registration program, including rules establishing
54 the specific registration procedures, forms, and fees.
55 Registration fees must be reasonably calculated to cover the
56 cost of registration and must be of such amount that the total
57 fees collected do not exceed the cost of administering and
58 enforcing compliance with this section. Registration may be
59 conducted electronically. The registration program must require:



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

65 2. The registration form to contain the name, residence
66 and business address, phone number, and license number of the
67 medical director or clinical director for the clinic.

68 3. The clinic to display the registration certificate in a
69 conspicuous location within the clinic readily visible to all
70 patients.

71 (3)(a) Each clinic must employ or contract with a
72 physician maintaining a full and unencumbered physician license
73 in accordance with chapter 458, chapter 459, chapter 460, or
74 chapter 461 to serve as the medical director. However, if the
75 clinic is limited to providing health care services pursuant to
76 chapter 457, chapter 484, chapter 486, chapter 490, or chapter
77 491 or part I, part III, part X, part XIII, or part XIV of
78 chapter 468, the clinic may appoint a health care practitioner
79 licensed under that chapter to serve as a clinical director who
80 is responsible for the clinic's activities. A health care
81 practitioner may not serve as the clinical director if the
82 services provided at the clinic are beyond the scope of that
83 practitioner's license.

84 (b) The medical director or clinical director shall agree
85 in writing to accept legal responsibility for the following
86 activities on behalf of the clinic. The medical director or the
87 clinical director shall:



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

91 2. Ensure that all practitioners providing health care
92 services or supplies to patients maintain a current active and
93 unencumbered Florida license.

94 ~~3. Review any patient referral contracts or agreements~~
95 ~~executed by the clinic.~~

96 3.4. Ensure that all health care practitioners at the
97 clinic have active appropriate certification or licensure for
98 the level of care being provided.

99 ~~5. Serve as the clinic records holder as defined in s.~~
100 ~~456.057.~~

101 4.6. Ensure compliance with the ~~recordkeeping,~~ office
102 surgery, and adverse incident reporting requirements of this
103 chapter, the respective practice acts, and rules adopted
104 thereunder.

105 ~~5.7. Conduct systematic reviews of clinic billings to~~
106 ~~ensure that the billings are not fraudulent or unlawful.~~ Upon
107 discovery of an unlawful charge, ~~the medical director shall take~~
108 immediate corrective action.

109 (c) Any contract to serve as a medical director or a
110 clinical director entered into or renewed by a physician or a
111 licensed health care practitioner in violation of this section
112 is void as contrary to public policy. This paragraph ~~section~~
113 shall apply to contracts entered into or renewed on or after
114 October 1, 2001.

115 (d) The department, in consultation with the boards, shall
116 adopt rules specifying limitations on the number of registered
117 clinics and licensees for which a medical director or a clinical



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118 director may assume responsibility for purposes of this section.
119 In determining the quality of supervision a medical director or
120 a clinical director can provide, the department shall consider
121 the number of clinic employees, clinic location, and services
122 provided by the clinic.

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

127 (b) The clinic administrator shall agree in writing to
128 accept legal responsibility for the following activities on
129 behalf of the clinic. The clinic administrator shall:

130 1. Review all patient referral contracts or agreements
131 executed by the clinic.

132 2. Serve as the clinic records holder for purposes of s.
133 456.057.

134 3. Ensure compliance with the recordkeeping requirements
135 of this chapter, the respective practice acts, and rules adopted
136 thereunder.

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

139 (5)(4)(a) All charges or reimbursement claims made by or
140 on behalf of a clinic that is required to be registered under
141 this section, but that is not so registered, are unlawful
142 charges and therefore are noncompensable and unenforceable.

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



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

150 (d) The department shall revoke the registration of any
151 clinic registered under this section for operating in violation
152 of the requirements of this section or the rules adopted by the
153 department.

154 (e) The department shall investigate allegations of
155 noncompliance with this section and the rules adopted pursuant
156 to this section.

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