

Bill No. CS for CS for SB 2170, 1st Eng.

Amendment No. ____ Barcode 980854

CHAMBER ACTION

Senate

House

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Senator Cowin moved the following amendment:

Senate Amendment (with title amendment)

On page 198, line 24, through
page 203, line 10, delete those lines

and insert:

Section 135. Subsections (3) and (4) of section
400.9905, Florida Statutes, are amended, and subsections (5),
(6), and (7) are added to that section, to read:

400.9905 Definitions.--

(3) "Clinic" means an entity at which health care
services are provided to individuals and which tenders charges
for reimbursement for such services, including a mobile clinic
and a portable equipment provider. For purposes of this part,
the term does not include and the licensure requirements of
this part do not apply to:

(a) Entities licensed or registered by the state under
chapter 395; or entities licensed or registered by the state
and providing only health care services within the scope of
services authorized under their respective licenses granted

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1 under ss. 383.30-383.335, chapter 390, chapter 394, ~~chapter~~
2 ~~395,~~ chapter 397, this chapter except part XIII, chapter 463,
3 chapter 465, chapter 466, chapter 478, part I of chapter 483
4 ~~480~~, chapter 484, or chapter 651, end-stage renal disease
5 providers authorized under 42 C.F.R. part 405, subpart U, or
6 providers certified under 42 C.F.R. part 485, subpart B or
7 subpart H, or any entity that provides neonatal or pediatric
8 hospital-based healthcare services by licensed practitioners
9 solely within a hospital licensed under chapter 395.

10 (b) Entities that own, directly or indirectly,
11 entities licensed or registered by the state pursuant to
12 chapter 395; or entities that own, directly or indirectly,
13 entities licensed or registered by the state and providing
14 only health care services within the scope of services
15 authorized pursuant to their respective licenses granted under
16 ss. 383.30-383.335, chapter 390, chapter 394, ~~chapter 395,~~
17 chapter 397, this chapter except part XIII, chapter 463,
18 chapter 465, chapter 466, chapter 478, part I of chapter 483
19 ~~480~~, chapter 484, or chapter 651, end-stage renal disease
20 providers authorized under 42 C.F.R. part 405, subpart U, or
21 providers certified under 42 C.F.R. part 485, subpart B or
22 subpart H, or any entity that provides neonatal or pediatric
23 hospital-based healthcare services by licensed practitioners
24 solely within a hospital licensed under chapter 395.

25 (c) Entities that are owned, directly or indirectly,
26 by an entity licensed or registered by the state pursuant to
27 chapter 395; or entities that are owned, directly or
28 indirectly, by an entity licensed or registered by the state
29 and providing only health care services within the scope of
30 services authorized pursuant to their respective licenses
31 granted under ss. 383.30-383.335, chapter 390, chapter 394,

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1 ~~chapter 395~~, chapter 397, this chapter except part XIII,
2 chapter 463, chapter 465, chapter 466, chapter 478, part I of
3 chapter ~~483 480~~, chapter 484, or chapter 651, end-stage renal
4 disease providers authorized under 42 C.F.R. part 405, subpart
5 U, or providers certified under 42 C.F.R. part 485, subpart B
6 or subpart H, or any entity that provides neonatal or
7 pediatric hospital-based healthcare services by licensed
8 practitioners solely within a hospital licensed under chapter
9 395.

10 (d) Entities that are under common ownership, directly
11 or indirectly, with an entity licensed or registered by the
12 state pursuant to chapter 395; or entities that are under
13 common ownership, directly or indirectly, with an entity
14 licensed or registered by the state and providing only health
15 care services within the scope of services authorized pursuant
16 to its respective license granted under ss. 383.30-383.335,
17 chapter 390, chapter 394, ~~chapter 395~~, chapter 397, this
18 chapter except part XIII, chapter 463, chapter 465, chapter
19 466, chapter 478, part I of chapter 483 480, chapter 484, or
20 chapter 651, end-stage renal disease providers authorized
21 under 42 C.F.R. part 405, subpart U, or providers certified
22 under 42 C.F.R. part 485, subpart B or subpart H, or any
23 entity that provides neonatal or pediatric hospital-based
24 services by licensed practitioners solely within a hospital
25 licensed under chapter 395.

26 (e) An entity that is exempt from federal taxation
27 under 26 U.S.C. s. 501(c)(3) or s. 501(c)(4), ~~and~~ any
28 community college or university clinic, and any entity owned
29 or operated by federal or state government, including
30 agencies, subdivisions, or municipalities thereof.

31 (f) A sole proprietorship, group practice,

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1 partnership, or corporation that provides health care services
 2 by physicians covered by s. 627.419, that is directly
 3 supervised by one or more of such physicians, and that is
 4 wholly owned by one or more of those physicians or by a
 5 physician and the spouse, parent, child, or sibling of that
 6 physician.

7 ~~(g)(f)~~ A sole proprietorship, group practice,
 8 partnership, or corporation that provides health care services
 9 by licensed health care practitioners under chapter 457,
 10 chapter 458, chapter 459, chapter 460, chapter 461, chapter
 11 462, chapter 463, chapter 466, chapter 467, chapter 480,
 12 chapter 484, chapter 486, chapter 490, chapter 491, or part I,
 13 part III, part X, part XIII, or part XIV of chapter 468, or s.
 14 464.012, which are wholly owned by one or more ~~a~~ licensed
 15 health care ~~practitioners~~ practitioner, or the licensed health
 16 care practitioners set forth in this paragraph ~~practitioner~~
 17 and the spouse, parent, ~~or~~ child, or sibling of a licensed
 18 health care practitioner, so long as one of the owners who is
 19 a licensed health care practitioner is supervising the
 20 services performed therein and is legally responsible for the
 21 entity's compliance with all federal and state laws. However,
 22 a health care practitioner may not supervise services beyond
 23 the scope of the practitioner's license, except that, for the
 24 purposes of this part, a clinic owned by a licensee in s.
 25 456.053(3)(b) that provides only services authorized pursuant
 26 to s. 456.053(3)(b) may be supervised by a licensee specified
 27 in s. 456.053(3)(b).

28 ~~(h)(g)~~ Clinical facilities affiliated with an
 29 accredited medical school at which training is provided for
 30 medical students, residents, or fellows.

31 ~~(i)~~ Entities that provide only oncology or radiation

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1 therapy services by physicians licensed under chapter 458 or
2 459.

3 (4) "Medical director" means a physician who is
4 employed or under contract with a clinic and who maintains a
5 full and unencumbered physician license in accordance with
6 chapter 458, chapter 459, chapter 460, or chapter 461.
7 However, if the clinic does not provide services pursuant to
8 the respective physician practice acts listed in this
9 subsection, it is limited to providing health care services
10 pursuant to chapter 457, chapter 484, chapter 486, chapter
11 490, or chapter 491 or part I, part III, part X, part XIII, or
12 part XIV of chapter 468, the clinic may appoint a
13 Florida-licensed health care practitioner who does not provide
14 services pursuant to the respective physician practice acts
15 listed in this subsection licensed under that chapter to serve
16 as a clinic director who is responsible for the clinic's
17 activities. A health care practitioner may not serve as the
18 clinic director if the services provided at the clinic are
19 beyond the scope of that practitioner's license, except that a
20 licensee specified in s. 456.053(3)(b) that provides only
21 services authorized pursuant to s. 456.053(3)(b) may serve as
22 clinic director of an entity providing services as specified
23 in s. 456.053(3)(b).

24 (5) "Mobile clinic" means a movable or detached
25 self-contained health care unit within or from which direct
26 health care services are provided to individuals and that
27 otherwise meets the definition of a clinic in subsection (3).

28 (6) "Portable equipment provider" means an entity that
29 contracts with or employs persons to provide portable
30 equipment to multiple locations performing treatment or
31 diagnostic testing of individuals, that bills third-party

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1 payors for those services, and that otherwise meets the
2 definition of a clinic in subsection (3).

3 (7) "Chief financial officer" means an individual who
4 has at least a minimum of a bachelor's degree from an
5 accredited university in accounting, finance, or a related
6 field and is the person responsible for the preparation of the
7 clinic billing.

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10 ===== T I T L E A M E N D M E N T =====

11 And the title is amended as follows:

12 On page 16, line 11, after the word "defining"

13

14 insert:

15 "chief financial officer,"

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