

1 radiographs, computed tomography, or positron
2 emission tomography to provide certain
3 information to the agency; providing that the
4 submission of fraudulent or misleading
5 information on an application for licensure is
6 a third-degree felony; amending s. 400.9935,
7 F.S.; specifying additional duties of a medical
8 director or clinic director; limiting the
9 number of clinics and employees for which a
10 medical or clinic director may be responsible;
11 requiring that multiple clinics under the
12 control of the same medical or clinic director
13 must be within a specified proximity;
14 authorizing the agency to waive such
15 limitations upon a showing of good cause;
16 creating s. 400.9936, F.S.; providing for the
17 regulation of diagnostic testing facilities;
18 providing a definition; providing for the
19 background screening of certain persons;
20 providing limitations and guidelines for the
21 medical director or clinic director of such
22 facilities; providing for the waiver of certain
23 requirements and providing for past waivers or
24 variances; amending s. 456.072, F.S.; providing
25 that intentionally providing false information
26 on an application for a certificate of
27 exemption from clinic licensure is grounds for
28 discipline under provisions regulating medical
29 professionals; providing an effective date.

30
31 Be It Enacted by the Legislature of the State of Florida:

1 Section 1. Subsection (4) of section 400.9905, Florida
2 Statutes, is amended to read:

3 400.9905 Definitions.--

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

10 (a) Entities licensed or registered by the state under
11 chapter 395; or entities licensed or registered by the state
12 and providing only health care services within the scope of
13 services authorized under their respective licenses granted
14 under ss. 383.30-383.335, chapter 390, chapter 394, chapter
15 397, this chapter except part X, chapter 429, chapter 463,
16 chapter 465, chapter 466, chapter 478, part I of chapter 483,
17 chapter 484, or chapter 651; end-stage renal disease providers
18 authorized under 42 C.F.R. part 405, subpart U; or providers
19 certified under 42 C.F.R. part 485, subpart B or subpart H; or
20 any entity that provides neonatal or pediatric hospital-based
21 health care services or other health care services by licensed
22 practitioners solely within a hospital licensed under chapter
23 395.

24 (b) Entities that own, directly or indirectly,
25 entities licensed or registered by the state pursuant to
26 chapter 395; or entities that own, directly or indirectly,
27 entities licensed or registered by the state and providing
28 only health care services within the scope of services
29 authorized pursuant to their respective licenses granted under
30 ss. 383.30-383.335, chapter 390, chapter 394, chapter 397,
31 this chapter except part X, chapter 429, chapter 463, chapter

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

8 (c) Entities that are owned, directly or indirectly,
9 by an entity licensed or registered by the state pursuant to
10 chapter 395; or entities that are owned, directly or
11 indirectly, by an entity licensed or registered by the state
12 and providing only health care services within the scope of
13 services authorized pursuant to their respective licenses
14 granted under ss. 383.30-383.335, chapter 390, chapter 394,
15 chapter 397, this chapter except part X, chapter 429, chapter
16 463, chapter 465, chapter 466, chapter 478, part I of chapter
17 483, chapter 484, or chapter 651; end-stage renal disease
18 providers authorized under 42 C.F.R. part 405, subpart U; or
19 providers certified under 42 C.F.R. part 485, subpart B or
20 subpart H; or any entity that provides neonatal or pediatric
21 hospital-based health care services by licensed practitioners
22 solely within a hospital under chapter 395.

23 (d) Entities that are under common ownership, directly
24 or indirectly, with an entity licensed or registered by the
25 state pursuant to chapter 395; or entities that are under
26 common ownership, directly or indirectly, with an entity
27 licensed or registered by the state and providing only health
28 care services within the scope of services authorized pursuant
29 to their respective licenses granted under ss. 383.30-383.335,
30 chapter 390, chapter 394, chapter 397, this chapter except
31 part X, chapter 429, chapter 463, chapter 465, chapter 466,

1 chapter 478, part I of chapter 483, chapter 484, or chapter
2 651; end-stage renal disease providers authorized under 42
3 C.F.R. part 405, subpart U; or providers certified under 42
4 C.F.R. part 485, subpart B or subpart H; or any entity that
5 provides neonatal or pediatric hospital-based health care
6 services by licensed practitioners solely within a hospital
7 licensed under chapter 395.

8 (e) An entity that is exempt from federal taxation
9 under 26 U.S.C. s. 501(c)(3) or (4), an employee stock
10 ownership plan under 26 U.S.C. s. 409 that has a board of
11 trustees not less than two-thirds of which are
12 Florida-licensed health care practitioners and provides only
13 physical therapy services under physician orders, any
14 community college or university clinic, and any entity owned
15 or operated by the federal or state government, including
16 agencies, subdivisions, or municipalities thereof.

17 (f) A sole proprietorship, group practice,
18 partnership, ~~or~~ corporation, or other legal entity that
19 provides health care services by physicians licensed under
20 chapter 458, chapter 459, chapter 460, chapter 461, or chapter
21 466 covered by s. 627.419, that is directly supervised by one
22 or more of such physicians, and that is wholly owned by one or
23 more of those physicians or by a physician and the spouse,
24 parent, child, or sibling of that physician.

25 (g) A sole proprietorship, group practice,
26 partnership, ~~or~~ corporation, or other legal entity that
27 provides health care services by licensed health care
28 practitioners under chapter 457, physician assistants under
29 chapter 458, chapter 459, chapter 460, or chapter 461, or
30 practitioners under chapter 462, chapter 463, chapter 466,
31 chapter 467, chapter 480, chapter 484, chapter 486, chapter

1 490, chapter 491, or part I, part III, part X, part XIII, or
2 part XIV of chapter 468, or s. 464.012, which entities are
3 wholly owned by one or more licensed health care
4 practitioners, or the licensed health care practitioners set
5 forth in this paragraph and the spouse, parent, child, or
6 sibling of a licensed health care practitioner, so long as one
7 of the owners who is a licensed health care practitioner is
8 supervising the health care services ~~business activities~~ and
9 is legally responsible for the entity's compliance with all
10 federal and state laws. However, health care services provided
11 may not exceed the scope of the licensed owner's health care ~~a~~
12 ~~health care practitioner may not supervise services beyond the~~
13 ~~scope of the practitioner's~~ license, except that, for the
14 purposes of this part, a clinic owned by a licensee in s.
15 456.053(3)(b) that provides only services authorized pursuant
16 to s. 456.053(3)(b) may be supervised by a licensee specified
17 in s. 456.053(3)(b).

18 (h) Clinical facilities affiliated with an accredited
19 medical school at which training is provided for medical
20 students, residents, or fellows.

21 (i) Entities that provide only oncology or radiation
22 therapy services by physicians licensed under chapter 458 or
23 chapter 459 or entities that provide oncology or radiation
24 therapy services by physicians licensed under chapter 458 or
25 chapter 459 which are owned by a corporation whose shares are
26 publicly traded on a recognized stock exchange.

27 (j) Clinical facilities affiliated with a college of
28 chiropractic accredited by the Council on Chiropractic
29 Education at which training is provided for chiropractic
30 students.

31

1 (k) Entities that provide licensed practitioners to
2 staff emergency departments or to deliver anesthesia services
3 in facilities licensed under chapter 395 and that derive at
4 least 90 percent of their gross annual revenues from the
5 provision of such services. Entities claiming an exemption
6 from licensure under this paragraph must provide documentation
7 demonstrating compliance.

8 (1) Clinical facilities that are wholly owned,
9 directly or indirectly, by a publicly traded corporation. As
10 used in this paragraph, the term "publicly traded corporation"
11 means a corporation that issues securities traded on an
12 exchange registered with the United States Securities and
13 Exchange Commission as a national securities exchange.

14 Section 2. Section 400.991, Florida Statutes, is
15 amended to read:

16 400.991 License requirements; background screenings;
17 prohibitions.--

18 (1)(a) Each clinic, as defined in s. 400.9905, must be
19 licensed and shall at all times maintain a valid license with
20 the agency. Each clinic location shall be licensed separately
21 regardless of whether the clinic is operated under the same
22 business name or management as another clinic.

23 (b) Each mobile clinic must obtain a separate health
24 care clinic license and must provide to the agency, at least
25 quarterly, its projected street location to enable the agency
26 to locate and inspect such clinic. A portable equipment
27 provider must obtain a health care clinic license for a single
28 administrative office and is not required to submit quarterly
29 projected street locations.

30 (2) The initial clinic license application shall be
31 filed with the agency by all clinics, as defined in s.

1 400.9905, on or before July 1, 2004. A clinic license must be
2 renewed biennially.

3 (3) Applicants that submit an application on or before
4 July 1, 2004, which meets all requirements for initial
5 licensure as specified in this section shall receive a
6 temporary license until the completion of an initial
7 inspection verifying that the applicant meets all requirements
8 in rules authorized in s. 400.9925. However, a clinic engaged
9 in magnetic resonance imaging services may not receive a
10 temporary license unless it presents evidence satisfactory to
11 the agency that such clinic is making a good faith effort and
12 substantial progress in seeking accreditation required under
13 s. 400.9935.

14 (4) Application for an initial clinic license or for
15 renewal of an existing license shall be notarized on forms
16 furnished by the agency and must be accompanied by the
17 appropriate license fee as provided in s. 400.9925. The agency
18 shall take final action on an initial license application
19 within 60 days after receipt of all required documentation.

20 (5)(a) The application shall contain information that
21 includes, but need not be limited to, information pertaining
22 to the name, residence and business address, phone number,
23 social security number, and license number of the medical or
24 clinic director, of the licensed medical providers employed or
25 under contract with the clinic, and of each person who,
26 directly or indirectly, owns or controls 5 percent or more of
27 an interest in the clinic, or general partners in limited
28 liability partnerships.

29 (b) Any person having a financial interest in a
30 clinic, directly or indirectly, as set forth in this paragraph
31 is subject to background screening requirements under this

1 part. This includes any person who may or may not own stock or
2 an equivalent interest in the clinic, but nonetheless has
3 control over or the authority to approve, directly or
4 indirectly, clinic billing, policy, business activities, or
5 personnel decisions, including, but not limited to, contracted
6 or employed persons or entities, managers, and management
7 companies performing third-party billing services and persons
8 and entities, directly or indirectly, which lend, give, or
9 gift money of any denomination or any thing of value exceeding
10 an aggregate of \$5,000 for clinic use, with or without an
11 expectation of a return of the money or thing of value, and
12 regardless of profit motive.

13 (c) The agency may adopt rules to administer this
14 subsection.

15 (6) The applicant must file with the application
16 satisfactory proof that the clinic is in compliance with this
17 part and applicable rules, including:

18 (a) A listing of services to be provided either
19 directly by the applicant or through contractual arrangements
20 with existing providers;

21 (b) The number and discipline of each professional
22 staff member to be employed; and

23 (c) Proof of financial ability to operate. An
24 applicant must demonstrate financial ability to operate a
25 clinic by submitting a balance sheet and an income and expense
26 statement for the first year of operation which provide
27 evidence of the applicant's having sufficient assets, credit,
28 and projected revenues to cover liabilities and expenses. The
29 applicant shall have demonstrated financial ability to operate
30 if the applicant's assets, credit, and projected revenues meet
31 or exceed projected liabilities and expenses. All documents

1 required under this subsection must be prepared in accordance
2 with generally accepted accounting principles, may be in a
3 compilation form, and the financial statement must be signed
4 by a certified public accountant. As an alternative to
5 submitting a balance sheet and an income and expense statement
6 for the first year of operation, the applicant may file a
7 surety bond of at least \$500,000 which guarantees that the
8 clinic will act in full conformity with all legal requirements
9 for operating a clinic, payable to the agency. The agency may
10 adopt rules to specify related requirements for such surety
11 bond.

12 (7) Each applicant for licensure shall comply with the
13 following requirements:

14 (a) As used in this subsection, the term "applicant"
15 means an individual ~~individuals~~ owning or controlling,
16 directly or indirectly, 5 percent or more of an interest in a
17 clinic; the medical or clinic director, or a similarly titled
18 person who is responsible for the day-to-day operation of the
19 licensed clinic; the financial officer or similarly titled
20 individual who is responsible for the financial operation of
21 the clinic; ~~and~~ licensed health care practitioners at the
22 clinic; and any person who has a controlling interest as
23 defined in s. 408.803(7).

24 (b) Upon receipt of a completed, signed, and dated
25 application, the agency shall require background screening of
26 the applicant, in accordance with the level 2 standards for
27 screening set forth in paragraph (d) ~~chapter 435~~. Proof of
28 compliance with the level 2 background screening requirements
29 of paragraph (d) ~~chapter 435~~ which has been submitted within
30 the previous 5 years in compliance with the ~~any other~~ health
31 care clinic licensure requirements of this part ~~state~~ is

1 acceptable in fulfillment of this paragraph. Applicants who
2 own less than 10 percent of a health care clinic are not
3 required to submit fingerprints under this section.

4 (c) Each applicant must submit to the agency, with the
5 application, a description and explanation of any exclusions,
6 permanent suspensions, or terminations of an applicant from
7 the Medicare or Medicaid programs. Proof of compliance with
8 the requirements for disclosure of ownership and control
9 interest under the Medicaid or Medicare programs may be
10 accepted in lieu of this submission. The description and
11 explanation may indicate whether such exclusions, suspensions,
12 or terminations were voluntary or not voluntary on the part of
13 the applicant. The agency may deny or revoke licensure based
14 on information received under this paragraph for exclusions,
15 permanent suspensions, or terminations of an applicant or
16 persons or entities identified in paragraph (5)(b) from the
17 Medicare or Medicaid programs.

18 (d) A license may not be granted to a clinic if the
19 applicant, or a person or entity identified in paragraph
20 (5)(b), has been found guilty of, regardless of adjudication,
21 or has entered a plea of nolo contendere or guilty to, any
22 offense prohibited under the level 2 standards for screening
23 set forth in chapter 435 or this section. In addition to the
24 process and procedures set forth in s. 408.809 which are
25 specifically required, all persons who must meet level 2
26 standards of chapter 435 must also undergo level 2 background
27 screening for any felony committed within the past 10 years
28 under chapter 400, chapter 408, chapter 409, chapter 440,
29 chapter 456, chapter 624, chapter 626, chapter 627, chapter
30 812, chapter 817, chapter 831, chapter 837, chapter 838,
31 chapter 895, or chapter 896, or any substantially comparable

1 offense or crime of another state or of the United States if
2 such offense is a felony in that jurisdiction. The agency may
3 require each person who must undergo background screening to
4 disclose, on forms provided by the agency, his or her name,
5 address, social security number, and date of birth and any
6 arrest for any crime for which any court disposition other
7 than dismissal has been rendered within the past 10 years
8 prior to an affiliation with an applicant or licensee under
9 this part. Failure to provide such information may be
10 considered by the agency as a material omission in the
11 application or licensure process. Notwithstanding the time
12 provisions of chapter 120 for granting or denying an
13 application for a license, the agency may not approve an
14 initial, renewal, or change-of-ownership application for any
15 applicant whose background screening process is not complete
16 and all persons required to undergo such screening demonstrate
17 compliance with this paragraph. The agency shall deny a
18 pending application or revoke or suspend a license and assess
19 an administrative penalty in accordance with s. 400.995(1)
20 against a licensee if the agency substantiates that a person
21 who is required to meet background screening standards has
22 failed or refused to submit to background screening as set
23 forth in this part or does not meet the minimum requirements
24 of such screening after the timely submission of fingerprint
25 cards to the agency., or a violation of insurance fraud under
26 ~~s. 817.234, within the past 5 years. If the applicant has been~~
27 ~~convicted of an offense prohibited under the level 2 standards~~
28 ~~or insurance fraud in any jurisdiction, the applicant must~~
29 ~~show that his or her civil rights have been restored prior to~~
30 ~~submitting an application.~~
31

1 (e) The agency may deny or revoke licensure or declare
2 loss of an exempt status, effective on the date that the
3 requirements for exempt status are not met, if the applicant
4 has falsely represented any material fact or omitted any
5 material fact from the application required by this part or by
6 agency rule. An exempt status under this part ceases to exist
7 on the date that a business fails to qualify for an exemption
8 under this part or the Health Care Licensing Procedures Act.

9 (f) Each applicant that performs the technical
10 component of magnetic resonance imaging, static radiographs,
11 computed tomography, or positron emission tomography, and also
12 provides the professional components of such services through
13 an employee or independent contractor must provide to the
14 agency on a form provided by the agency, the name and address
15 of the clinic, the serial or operating number of each magnetic
16 resonance imaging, static radiograph, computed tomography, and
17 positron emission tomography machine, the name of the
18 manufacturer of the machine, and such other information as
19 required by the agency to identify the machine. The
20 information must be provided to the agency upon renewal of the
21 clinic's license and within 30 days after a clinic begins
22 using a machine for which it has not provided the information
23 to the agency.

24 (8) Requested information omitted from an application
25 for licensure, license renewal, or transfer of ownership must
26 be filed with the agency within 21 days after receipt of the
27 agency's request for omitted information, or the application
28 shall be deemed incomplete and shall be withdrawn from further
29 consideration.

30
31

1 (9) The failure to file a timely renewal application
2 shall result in a late fee charged to the facility in an
3 amount equal to 50 percent of the current license fee.

4 (10) Any person or entity that submits an application
5 for a license which contains fraudulent or material and
6 misleading information commits a felony of the third degree,
7 punishable as provided in s. 775.082, s. 775.083, or s.
8 775.084.

9 Section 3. Section 400.9935, Florida Statutes, is
10 amended to read:

11 400.9935 Clinic responsibilities.--

12 (1) Each clinic shall appoint a medical director or
13 clinic director who shall agree in writing to accept legal
14 responsibility for the following activities on behalf of the
15 clinic. The medical director or the clinic director shall:

16 (a) Have signs identifying the medical director or
17 clinic director posted in a conspicuous location within the
18 clinic readily visible to all patients.

19 (b) Ensure that all practitioners providing health
20 care services or supplies to patients maintain a current
21 active and unencumbered Florida license and do not provide
22 health care services or supplies outside the scope of that
23 license or as otherwise prohibited by law.

24 (c) Review any patient referral contracts or
25 agreements executed by the clinic.

26 (d) Ensure that all health care practitioners at the
27 clinic have active appropriate certification or licensure for
28 the level of care being provided.

29 (e) Serve as the clinic records owner as defined in s.
30 456.057.

31

1 (f) Ensure compliance with the recordkeeping, office
2 surgery, and adverse incident reporting requirements of
3 chapter 456, the respective practice acts, and rules adopted
4 under this part.

5 (g) Conduct systematic reviews of clinic billings to
6 ensure that the billings are not fraudulent or unlawful. Upon
7 discovery of an unlawful charge, the medical director or
8 clinic director shall take immediate corrective action. If the
9 clinic performs only the technical component of magnetic
10 resonance imaging, static radiographs, computed tomography, or
11 positron emission tomography, and provides the professional
12 interpretation of such services, in a fixed facility that is
13 accredited by the Joint Commission on Accreditation of
14 Healthcare Organizations or the Accreditation Association for
15 Ambulatory Health Care, and the American College of Radiology;
16 and if, in the preceding quarter, the percentage of scans
17 performed by that clinic which was billed to all personal
18 injury protection insurance carriers was less than 15 percent,
19 the chief financial officer of the clinic may, in a written
20 acknowledgment provided to the agency, assume the
21 responsibility for the conduct of the systematic reviews of
22 clinic billings to ensure that the billings are not fraudulent
23 or unlawful.

24 (h) Not refer a patient to the clinic if the clinic
25 performs magnetic resonance imaging, static radiographs,
26 computed tomography, or positron emission tomography. The term
27 "refer a patient" means the referral of one or more patients
28 of the medical or clinical director or a member of the medical
29 or clinical director's group practice to the clinic for
30 magnetic resonance imaging, static radiographs, computed
31 tomography, or positron emission tomography. A medical

1 director who is found to violate this paragraph commits a
2 felony of the third degree, punishable as provided in s.
3 775.082, s. 775.083, or s. 775.084.

4 (i) Serve in that capacity for no more than a maximum
5 of three health care clinics that have a cumulative total of
6 no more than 100 employees and persons under contract with the
7 health care clinic at a given time. A medical or clinic
8 director may not supervise a health care clinic more than 200
9 miles away from any other health care clinic supervised by the
10 same medical or clinic director. The agency may allow for
11 waivers to the limitations of this paragraph upon a showing of
12 good cause and a determination by the agency that the medical
13 director will be able to adequately perform the requirements
14 of this subsection.

15 (2) Any business that becomes a clinic after
16 commencing operations must, within 5 days after becoming a
17 clinic, file a license application under this part and shall
18 be subject to all provisions of this part applicable to a
19 clinic.

20 (3) Any contract to serve as a medical director or a
21 clinic director entered into or renewed by a physician or a
22 licensed health care practitioner in violation of this part is
23 void as contrary to public policy. This subsection shall apply
24 to contracts entered into or renewed on or after March 1,
25 2004.

26 (4) All charges or reimbursement claims made by or on
27 behalf of a clinic that is required to be licensed or to
28 obtain a certificate of exemption under this part, but that is
29 not so licensed or exempt, or that is otherwise operating in
30 violation of this part, part II of chapter 408, or rules
31

1 adopted pursuant to either part, are unlawful charges, and
2 therefore are noncompensable and unenforceable.

3 (5) Any person establishing, operating, or managing an
4 unlicensed clinic otherwise required to be licensed under this
5 part, or any person who knowingly files a false or misleading
6 license application or license renewal application, or false
7 or misleading information related to such application or
8 department rule, commits a felony of the third degree,
9 punishable as provided in s. 775.082, s. 775.083, or s.
10 775.084, part II of chapter 408, or rules adopted pursuant to
11 either part.

12 (6) Any licensed health care provider who violates
13 this part is subject to discipline in accordance with this
14 chapter and his or her respective practice act.

15 (7) The agency may fine, or suspend or revoke the
16 license of, any clinic licensed under this part for operating
17 in violation of the requirements of this part or the rules
18 adopted by the agency.

19 (8) The agency shall investigate allegations of
20 noncompliance with this part and the rules adopted under this
21 part.

22 (9) Any person or entity providing health care
23 services which is not a clinic, as defined under s. 400.9905,
24 may voluntarily apply for a certificate of exemption from
25 licensure under its exempt status with the agency on a form
26 that sets forth its name or names and addresses, a statement
27 of the reasons why it cannot be defined as a clinic, and other
28 information deemed necessary by the agency. An exemption is
29 not transferable. The agency may charge an applicant for a
30 certificate of exemption in an amount equal to \$100 or the
31 actual cost of processing the certificate, whichever is less.

1 A certificate of exemption is valid for 2 years and may be
2 renewed.

3 (10) The clinic shall display its license in a
4 conspicuous location within the clinic readily visible to all
5 patients.

6 (11)(a) Each clinic engaged in magnetic resonance
7 imaging services must be accredited by the Joint Commission on
8 Accreditation of Healthcare Organizations, the American
9 College of Radiology, or the Accreditation Association for
10 Ambulatory Health Care, within 1 year after licensure.

11 However, a clinic may request a single, 6-month extension if
12 it provides evidence to the agency establishing that, for good
13 cause shown, such clinic can not be accredited within 1 year
14 after licensure, and that such accreditation will be completed
15 within the 6-month extension. After obtaining accreditation as
16 required by this subsection, each such clinic must maintain
17 accreditation as a condition of renewal of its license.

18 (b) The agency may deny the application or revoke the
19 license of any entity formed for the purpose of avoiding
20 compliance with the accreditation provisions of this
21 subsection and whose principals were previously principals of
22 an entity that was unable to meet the accreditation
23 requirements within the specified timeframes. The agency may
24 adopt rules as to the accreditation of magnetic resonance
25 imaging clinics.

26 (12) The agency shall give full faith and credit
27 pertaining to any past variance and waiver granted to a
28 magnetic resonance imaging clinic from rule 64-2002, Florida
29 Administrative Code, by the Department of Health, until
30 September 2004. After that date, such clinic must request a
31 variance and waiver from the agency under s. 120.542.

1 (13) The clinic shall display a sign in a conspicuous
2 location within the clinic readily visible to all patients
3 indicating that, pursuant to s. 626.9892, the Department of
4 Financial Services may pay rewards of up to \$25,000 to persons
5 providing information leading to the arrest and conviction of
6 persons committing crimes investigated by the Division of
7 Insurance Fraud arising from violations of s. 440.105, s.
8 624.15, s. 626.9541, s. 626.989, or s. 817.234. An authorized
9 employee of the Division of Insurance Fraud may make
10 unannounced inspections of a clinic licensed under this part
11 as necessary to determine whether the clinic is in compliance
12 with this subsection. A licensed clinic shall allow full and
13 complete access to the premises to such authorized employee of
14 the division who makes an inspection to determine compliance
15 with this subsection.

16 Section 4. Section 400.9936, Florida Statutes, is
17 created to read:

18 400.9936 Diagnostic testing facility.--

19 (1) As used in this section, the term "diagnostic
20 testing facility" means a clinic licensed under s. 400.991
21 which:

22 (a) Performs the technical component of magnetic
23 resonance imaging, computed tomography, or positron emission
24 tomography;

25 (b) Provides the professional component of such
26 services through an employee or independent contractor;

27 (c) Is located in a fixed facility;

28 (d) Is accredited by the Joint Commission on
29 Accreditation of Healthcare Organizations and the American
30 College of Radiology; and

31

1 (e) Does not directly or indirectly provide any
2 services to patients other than magnetic resonance imaging,
3 computed tomography, or positron emission tomography.

4 (2) Only a person having a financial interest in a
5 diagnostic testing facility, including the chief executive
6 officer, president, chief operations officer, vice president,
7 or other corporate officer, is subject to the background
8 screening requirements of part X of chapter 400.

9 (3)(a) The medical director or clinic director of a
10 clinic, in addition to the requirements of s. 400.9935, may
11 serve in that capacity only for a maximum of five clinics in a
12 diagnostic testing facility. In addition, a medical director
13 or clinic director in a diagnostic testing facility may not
14 supervise a clinic that is located more than 300 miles from
15 any other clinic supervised by that medical director or clinic
16 director.

17 (b) The agency may waive the requirements of this
18 subsection upon a showing of good cause if it determines that
19 the medical director or clinic director can adequately satisfy
20 the other requirements of s. 400.9935.

21 (c) Any variance approved by the agency for a
22 diagnostic testing facility as of May 1, 2007, remains in
23 effect for the term of the approved variance.

24 Section 5. Paragraph (ii) is added to subsection (1)
25 of section 456.072, Florida Statutes, to read:

26 456.072 Grounds for discipline; penalties;
27 enforcement.--

28 (1) The following acts shall constitute grounds for
29 which the disciplinary actions specified in subsection (2) may
30 be taken:

31

1 (ii) Intentionally providing false information on an
2 application for a certificate of exemption from clinic
3 licensure under part XIII of chapter 400.

4 Section 6. This act shall take effect October 1, 2007.

5
6 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
7 COMMITTEE SUBSTITUTE FOR
8 Senate Bill 2354

9 The committee substitute:

- 10 - Modifies the criteria under which certain health care
11 providers and practitioners are exempt from licensure
12 under the Health Care Clinic Act (ss. 400.990 - 400.995,
13 F.S.);
14 - Expands the exemptions from clinic licensure;
15 - Requires certain additional clinic personnel to undergo
16 background screening;
17 - Adds additional offenses for which a license may be
18 denied;
19 - Requires serial or operating numbers for certain
20 equipment;
21 - Limits the medical or clinic director to a maximum of
22 three clinics with a total of no more than 100 employees;
23 - Specifies that all charges made by a clinic that is
24 required to obtain a certificate of exemption, but that
25 is not exempt, or that is operating in violation of part
26 II of chapter 408 are unlawful charges;
27 - Provides 2-year expiration date on each certificate of
28 exemption and allows renewal;
29 - Provides penalties for submitting an application for
30 licensure containing fraudulent or material and
31 misleading information;
- Provides disciplinary action for intentionally giving
false information on an application for a certificate of
exemption; and
- Creates s. 400.9936, F.S., establishing separate
requirements under the Health Care Clinic Act for
diagnostic testing facilities.