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LEGISLATIVE ACTION

Senate	.	House
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Senator Peaden moved the following:

1 **Senate Amendment to Amendment (717130) (with title**
2 **amendment)**

3
4 Delete lines 557 - 619
5 and insert:

6 Section 60. Paragraphs (f), (g), and (l) of subsection (4)
7 of section 400.9905, Florida Statutes, are amended, paragraphs
8 (m) and (n) are added to that subsection, and subsection (7) of
9 that section is amended, to read:

10 400.9905 Definitions.—

11 (4) "Clinic" means an entity at which health care services
12 are provided to individuals and which tenders charges for
13 reimbursement for such services, including a mobile clinic and a



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14 portable health service or equipment provider. For purposes of
15 this part, the term does not include and the licensure
16 requirements of this part do not apply to:

17 (f) A sole proprietorship, group practice, partnership, ~~or~~
18 corporation, or other legal entity that provides health care
19 services by practitioners licensed under chapter 458, chapter
20 459, chapter 461, chapter 466, or chapter 460 and subject to the
21 limitations of s. 460.4167 ~~physicians covered by s. 627.419,~~
22 that is directly supervised by one or more of such physicians or
23 physician assistants, and that is wholly owned by one or more of
24 those physicians or physician assistants or by a physician or
25 physician assistants or and the spouse, parent, child, or
26 sibling of that physician or physician assistant. A certificate
27 of exemption is valid only for the entity, persons, and location
28 for which it was originally issued.

29 1. An individual who is not a medical professional or
30 family member listed in this paragraph may own up to 30 percent
31 of a health care clinic entity that is exempt under this
32 paragraph if the individual obtains prior approval from the
33 agency for ownership of a percentage of a health care clinic.
34 Such an individual is considered an "applicant" under s.
35 400.991(5) and must meet all the requirements of that section
36 and the level 2 background screening requirements of s. 408.809
37 before being approved by the agency for ownership of a minority
38 interest in a health care clinic.

39 2. If an individual who is not a medical professional or
40 family member listed in this paragraph assumes ownership of an
41 investment interest in a health care clinic without the prior
42 approval of the agency, the health care clinic shall lose its



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43 exemption from licensure under this paragraph.

44 3. Ownership of a health care clinic by an individual other
45 than the physician or physician assistant, or by the spouse,
46 parent, child, or sibling of the physician or physician
47 assistant to whom the exemption was granted, may not exceed 30
48 percent.

49 (g) A sole proprietorship, group practice, partnership, or
50 corporation that provides health care services by licensed
51 health care practitioners under chapter 457, chapter 458,
52 chapter 459, ~~chapter 460~~, chapter 461, chapter 462, chapter 463,
53 chapter 466, chapter 467, chapter 480, chapter 484, chapter 486,
54 chapter 490, chapter 491, or part I, part III, part X, part
55 XIII, or part XIV of chapter 468, or s. 464.012, which are
56 wholly owned by one or more licensed health care practitioners,
57 or the licensed health care practitioners set forth in this
58 paragraph and the spouse, parent, child, or sibling of a
59 licensed health care practitioner, so long as one of the owners
60 who is a licensed health care practitioner is supervising the
61 business activities and is legally responsible for the entity's
62 compliance with all federal and state laws. However, a health
63 care practitioner who is a supervising owner may not supervise
64 services beyond the scope of the practitioner's license, except
65 that, for the purposes of this part, a clinic owned by a
66 licensee in s. 456.053(3)(b) that provides only services
67 authorized pursuant to s. 456.053(3)(b) may be supervised by a
68 licensee specified in s. 456.053(3)(b). A certificate of
69 exemption is valid only for the entity, persons, and location
70 for which it was originally issued.

71 (1) Orthotic, ~~or~~ prosthetic, pediatric cardiology, or



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72 perinatology clinical facilities that are a publicly traded
73 corporation or that are wholly owned, directly or indirectly, by
74 a publicly traded corporation. As used in this paragraph, a
75 publicly traded corporation is a corporation that issues
76 securities traded on an exchange registered with the United
77 States Securities and Exchange Commission as a national
78 securities exchange.

79 (m) An entity that is owned by a corporation having \$250
80 million or more in total annual sales of health care services
81 provided by licensed health care practitioners if an owner of
82 the entity is a health care practitioner who is licensed in this
83 state, is responsible for supervising the business activities of
84 the entity, and is legally responsible for the entity's
85 compliance with state law for purposes of this section.

86 (n) An entity that is owned or controlled, directly or
87 indirectly, by a publicly traded entity having \$100 million or
88 more, in the aggregate, in total annual revenues derived from
89 providing health care services by licensed health care
90 practitioners that are employed or contracted by an entity
91 described in this paragraph.

92 (7) "Portable health service or equipment provider" means
93 an entity that contracts with or employs persons to provide
94 portable equipment to multiple locations ~~performing treatment or~~
95 ~~diagnostic testing of individuals~~, that bills third-party payors
96 for those services, and that otherwise meets the definition of a
97 clinic in subsection (4).

98
99 ===== T I T L E A M E N D M E N T =====

100 And the title is amended as follows:



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101 Delete lines 1701 - 1705
102 and insert:
103 s. 400.9905, F.S.; revising the definition of the term
104 "clinic" applicable to the Health Care Clinic Act;
105 providing exemptions from licensure requirements for
106 certain legal entities or corporations; redefining the
107 term "portable health service or equipment provider";
108 amending s. 413.615, F.S.; removing a