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29 | a facility pursuant to chapter 395. A person may not own or  
30 | operate a pain-management clinic in this state unless he or she  
31 | is a physician licensed under this chapter or chapter 459 and  
32 | the status of his or her license is clear and active according  
33 | to the Division of Medical Quality Assurance of the Department  
34 | of Health. A physician may not practice medicine in a pain-  
35 | management clinic that is required to but has not registered  
36 | with the department. Each clinic location shall be registered  
37 | separately regardless of whether the clinic is operated under  
38 | the same business name or management as another clinic. If the  
39 | clinic is licensed as a health care clinic under chapter 400,  
40 | the medical director is responsible for registering the facility  
41 | with the department. If the clinic is not registered pursuant to  
42 | chapter 395 or chapter 400, the clinic shall, upon registration  
43 | with the department, designate a physician who is responsible  
44 | for complying with all requirements related to registration of  
45 | the clinic. The designated physician shall be licensed under  
46 | this chapter or chapter 459 and shall practice at the office  
47 | location for which the physician has assumed responsibility. The  
48 | department shall inspect the clinic annually to ensure that it  
49 | complies with rules of the Board of Medicine adopted pursuant to  
50 | this paragraph ~~subsection~~ and subsection (5) unless the office  
51 | is accredited by a nationally recognized accrediting agency  
52 | approved by the Board of Medicine. The actual costs for  
53 | registration and inspection or accreditation shall be paid by  
54 | the physician seeking to register the clinic.

55 | (b) A pain-management clinic may not be owned, either in  
56 | whole or in part, by or have any contractual relationship,

57 whether through employment or by independent contract, with:

58 1. A physician who, during the course of his or her  
 59 practice, has been denied the privilege of prescribing,  
 60 dispensing, administering, supplying, or selling any controlled  
 61 substance and whose medical license, during the course of his or  
 62 her practice, has been suspended or revoked.

63 2. A person who has been convicted of or who has pled  
 64 guilty or nolo contendere, regardless of whether adjudication  
 65 was withheld, to an offense that constitutes a felony.

66 (5) The Board of Medicine shall adopt rules setting forth  
 67 standards of practice for physicians practicing in privately  
 68 owned pain-management clinics that primarily engage in the  
 69 treatment of pain by prescribing or dispensing controlled  
 70 substances ~~substance medications~~. Such rules shall address, but  
 71 need not be limited to, the following subjects:

- 72 (a) Facility operations;
- 73 (b) Physical operations;
- 74 (c) Infection control requirements;
- 75 (d) Health and safety requirements;
- 76 (e) Quality assurance requirements;
- 77 (f) Patient records;
- 78 (g) Training requirements for all facility health care  
 79 practitioners who are not regulated by another board;
- 80 (h) Inspections; and
- 81 (i) Data collection and reporting requirements.

82  
 83 A person may not prescribe or dispense any medication, including  
 84 a controlled substance, on the premises of a pain-management

85 clinic unless he or she is a physician licensed under this  
 86 chapter or chapter 459; however, a pharmacist licensed under  
 87 chapter 465 may dispense any medication, including a controlled  
 88 substance, on the premises of a pain-management clinic. A  
 89 physician is primarily engaged in the treatment of pain by  
 90 prescribing or dispensing controlled substances ~~substance~~  
 91 ~~medications~~ when the majority of the patients seen are  
 92 prescribed or dispensed controlled substances ~~substance~~  
 93 ~~medications~~ for the treatment of chronic nonmalignant pain.  
 94 Chronic nonmalignant pain is pain unrelated to cancer which  
 95 persists beyond the usual course of the disease or the injury  
 96 that is the cause of the pain or more than 90 days after  
 97 surgery.

98 (7) As used in this section, the term "controlled  
 99 substance" means a controlled substance listed in Schedule II,  
 100 Schedule III, or Schedule IV in s. 893.03.

101 Section 2. Subsections (3) and (4) of section 459.005,  
 102 Florida Statutes, are amended, and subsection (6) is added to  
 103 that section, to read:

104 459.005 Rulemaking authority.—

105 (3) (a) All privately owned pain-management clinics,  
 106 facilities, or offices, hereinafter referred to as "clinics,"  
 107 which advertise in any medium for any type of pain-management  
 108 services~~7~~ or employ a physician who is licensed under this  
 109 chapter and who is primarily engaged in the treatment of pain by  
 110 prescribing or dispensing controlled substances ~~substance~~  
 111 ~~medications~~, must register with the department by January 4,  
 112 2010, unless that clinic is licensed as a facility under chapter

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113 | 395. A person may not own or operate a pain-management clinic in  
114 | this state unless he or she is a physician licensed under this  
115 | chapter or chapter 458 and the status of his or her license is  
116 | clear and active according to the Division of Medical Quality  
117 | Assurance of the Department of Health. A physician may not  
118 | practice osteopathic medicine in a pain-management clinic that  
119 | is required to but has not registered with the department. Each  
120 | clinic location shall be registered separately regardless of  
121 | whether the clinic is operated under the same business name or  
122 | management as another clinic. If the clinic is licensed as a  
123 | health care clinic under chapter 400, the medical director is  
124 | responsible for registering the facility with the department. If  
125 | the clinic is not registered under chapter 395 or chapter 400,  
126 | the clinic shall, upon registration with the department,  
127 | designate a physician who is responsible for complying with all  
128 | requirements related to registration of the clinic. The  
129 | designated physician shall be licensed under chapter 458 or this  
130 | chapter and shall practice at the office location for which the  
131 | physician has assumed responsibility. The department shall  
132 | inspect the clinic annually to ensure that it complies with  
133 | rules of the Board of Osteopathic Medicine adopted pursuant to  
134 | this paragraph ~~subsection~~ and subsection (4) unless the office  
135 | is accredited by a nationally recognized accrediting agency  
136 | approved by the Board of Osteopathic Medicine. The actual costs  
137 | for registration and inspection or accreditation shall be paid  
138 | by the physician seeking to register the clinic.

139 | (b) A pain-management clinic may not be owned, either in  
140 | whole or in part, by or have any contractual relationship,

141 whether through employment or by independent contract, with:

142 1. A physician who, during the course of his or her  
 143 practice, has been denied the privilege of prescribing,  
 144 dispensing, administering, supplying, or selling any controlled  
 145 substance and whose medical license, during the course of his or  
 146 her practice, has been suspended or revoked.

147 2. A person who has been convicted of or who has pled  
 148 guilty or nolo contendere, regardless of whether adjudication  
 149 was withheld, to an offense that constitutes a felony.

150 (4) The Board of Osteopathic Medicine shall adopt rules  
 151 setting forth standards of practice for physicians who practice  
 152 in privately owned pain-management clinics that primarily engage  
 153 in the treatment of pain by prescribing or dispensing controlled  
 154 substances ~~substance medications~~. Such rules shall address, but  
 155 need not be limited to, the following subjects:

- 156 (a) Facility operations;
- 157 (b) Physical operations;
- 158 (c) Infection control requirements;
- 159 (d) Health and safety requirements;
- 160 (e) Quality assurance requirements;
- 161 (f) Patient records;
- 162 (g) Training requirements for all facility health care  
 163 practitioners who are not regulated by another board;
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172 substance, on the premises of a pain-management clinic. A  
173 physician is primarily engaged in the treatment of pain by  
174 prescribing or dispensing controlled substances ~~substance~~  
175 ~~medications~~ when the majority of the patients seen are  
176 prescribed or dispensed controlled substances ~~substance~~  
177 ~~medications~~ for the treatment of chronic nonmalignant pain.  
178 Chronic nonmalignant pain is pain unrelated to cancer which  
179 persists beyond the usual course of the disease or the injury  
180 that is the cause of the pain or more than 90 days after  
181 surgery.

182 (6) As used in this section, the term "controlled  
183 substance" means a controlled substance listed in Schedule II,  
184 Schedule III, or Schedule IV in s. 893.03.

185 Section 3. This act shall take effect July 1, 2010.