

By Senator Gelber

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1 A bill to be entitled
2 An act relating to pain-management clinics; amending
3 ss. 458.309 and 459.005, F.S.; deleting provisions
4 related to pain-management clinics; creating ss.
5 458.3265 and 459.0137, F.S.; requiring privately owned
6 pain-management clinics to be registered with the
7 Department of Health by a specified date; prohibiting
8 a physician from practicing in a pain-management
9 clinic that is not registered with the department;
10 requiring that the Department of Health refuse to
11 issue a certificate of registration to or revoke the
12 registration of certain pain-management clinics that
13 are owned, directly or indirectly, by a person who has
14 been convicted of a felony; defining the term
15 "convicted" for purposes of this provision;
16 designating persons who are responsible for
17 registering a clinic; providing requirements for a
18 physician who registers a clinic; requiring the
19 department to annually inspect a registered clinic;
20 providing for the automatic expiration of a
21 registration; requiring payment of costs for
22 registration and inspection or accreditation;
23 requiring the Board of Medicine and the Board of
24 Osteopathic Medicine to adopt rules setting forth
25 standards of practice in privately owned pain-
26 management clinics; providing criteria for physicians
27 that practice pain-management; defining the term
28 "chronic nonmalignant pain"; providing that certain
29 pain-management clinics are exempt from registration

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30 requirements under certain conditions; defining the
31 term "parties affiliated with a pain-management
32 clinic"; providing requirements for registering a
33 pain-management clinic; requiring the Department of
34 Health to submit fingerprints of an applicant for
35 initial registration or renewal of a registration to
36 the Department of Law Enforcement and the Federal
37 Bureau of Investigation for a criminal record check;
38 providing that applicants are not required to submit a
39 set of fingerprints to the Department of Health for a
40 criminal record check under certain conditions;
41 providing an effective date.

42
43 Be It Enacted by the Legislature of the State of Florida:

44
45 Section 1. Section 458.309, Florida Statutes, is amended to
46 read:

47 458.309 Rulemaking authority.—

48 (1) The board may ~~has authority to~~ adopt rules pursuant to
49 ss. 120.536(1) and 120.54 to implement the provisions of this
50 chapter conferring duties upon it.

51 (2) (a) Any rules which the board adopts relating to the
52 classroom phase of medical education shall not apply to any
53 person who is enrolled in the classroom phase of medical
54 education or has graduated prior to or at the time the rule
55 becomes effective, so long as such person does not interrupt his
56 or her medical education.

57 (b)1. Any rules which the board adopts relating to the
58 clinical clerkship phase of medical education shall not apply to

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59 any person who is enrolled in the clinical clerkship phase of
60 medical education prior to or at the time the rule becomes
61 effective, so long as such person does not interrupt his or her
62 medical education.

63 2. Rules adopted by the Florida Board of Medical Examiners
64 prior to October 1, 1986, and relating to clinical clerkships
65 for graduates of foreign medical schools do not apply to any
66 such graduate who:

67 a. Had completed a clinical clerkship prior to the
68 effective date of the rule; or

69 b. Had begun a clinical clerkship but had not completed the
70 clinical clerkship prior to the effective date of the rule, so
71 long as the clinical clerkship took no longer than 3 years to
72 complete.

73 (c) Any rules which the board adopts relating to residency
74 shall not apply to any person who has begun his or her residency
75 prior to or at the time the rule becomes effective, so long as
76 such person does not interrupt the residency.

77 (3) All physicians who perform level 2 procedures lasting
78 more than 5 minutes and all level 3 surgical procedures in an
79 office setting must register the office with the department
80 unless that office is licensed as a facility pursuant to chapter
81 395. The department shall inspect the physician's office
82 annually unless the office is accredited by a nationally
83 recognized accrediting agency or an accrediting organization
84 subsequently approved by the Board of Medicine. The actual costs
85 for registration and inspection or accreditation shall be paid
86 by the person seeking to register and operate the office setting
87 in which office surgery is performed.

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88 ~~(4) All privately owned pain management clinics,~~
89 ~~facilities, or offices, hereinafter referred to as "clinics,"~~
90 ~~which advertise in any medium for any type of pain management~~
91 ~~services, or employ a physician who is primarily engaged in the~~
92 ~~treatment of pain by prescribing or dispensing controlled~~
93 ~~substance medications, must register with the department by~~
94 ~~January 4, 2010, unless that clinic is licensed as a facility~~
95 ~~pursuant to chapter 395. A physician may not practice medicine~~
96 ~~in a pain management clinic that is required to but has not~~
97 ~~registered with the department. Each clinic location shall be~~
98 ~~registered separately regardless of whether the clinic is~~
99 ~~operated under the same business name or management as another~~
100 ~~clinic. If the clinic is licensed as a health care clinic under~~
101 ~~chapter 400, the medical director is responsible for registering~~
102 ~~the facility with the department. If the clinic is not~~
103 ~~registered pursuant to chapter 395 or chapter 400, the clinic~~
104 ~~shall, upon registration with the department, designate a~~
105 ~~physician who is responsible for complying with all requirements~~
106 ~~related to registration of the clinic. The designated physician~~
107 ~~shall be licensed under this chapter or chapter 459 and shall~~
108 ~~practice at the office location for which the physician has~~
109 ~~assumed responsibility. The department shall inspect the clinic~~
110 ~~annually to ensure that it complies with rules of the Board of~~
111 ~~Medicine adopted pursuant to this subsection and subsection (5)~~
112 ~~unless the office is accredited by a nationally recognized~~
113 ~~accrediting agency approved by the Board of Medicine. The actual~~
114 ~~costs for registration and inspection or accreditation shall be~~
115 ~~paid by the physician seeking to register the clinic.~~

116 ~~(5) The Board of Medicine shall adopt rules setting forth~~

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117 ~~standards of practice for physicians practicing in privately~~
118 ~~owned pain-management clinics that primarily engage in the~~
119 ~~treatment of pain by prescribing or dispensing controlled~~
120 ~~substance medications. Such rules shall address, but need not be~~
121 ~~limited to, the following subjects:~~

122 ~~(a) Facility operations;~~

123 ~~(b) Physical operations;~~

124 ~~(c) Infection control requirements;~~

125 ~~(d) Health and safety requirements;~~

126 ~~(e) Quality assurance requirements;~~

127 ~~(f) Patient records;~~

128 ~~(g) Training requirements for all facility health care~~
129 ~~practitioners who are not regulated by another board;~~

130 ~~(h) Inspections; and~~

131 ~~(i) Data collection and reporting requirements.~~

132
133 ~~A physician is primarily engaged in the treatment of pain by~~
134 ~~prescribing or dispensing controlled substance medications when~~
135 ~~the majority of the patients seen are prescribed or dispensed~~
136 ~~controlled substance medications for the treatment of chronic~~
137 ~~nonmalignant pain. Chronic nonmalignant pain is pain unrelated~~
138 ~~to cancer which persists beyond the usual course of the disease~~
139 ~~or the injury that is the cause of the pain or more than 90 days~~
140 ~~after surgery.~~

141 ~~(6) A privately owned clinic, facility, or office that~~
142 ~~advertises in any medium for any type of pain-management~~
143 ~~services or employs one or more physicians who are primarily~~
144 ~~engaged in the treatment of pain by prescribing or dispensing~~
145 ~~controlled substances is exempt from the registration provisions~~

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146 ~~in subsection (4) if the majority of the physicians who provide~~
147 ~~services in the clinic, facility, or office primarily provide~~
148 ~~surgical services.~~

149 Section 2. Section 459.005, Florida Statutes, is amended to
150 read:

151 459.005 Rulemaking authority.—

152 (1) The board may ~~has authority to~~ adopt rules pursuant to
153 ss. 120.536(1) and 120.54 to implement the provisions of this
154 chapter conferring duties upon it.

155 (2) All physicians who perform level 2 procedures lasting
156 more than 5 minutes and all level 3 surgical procedures in an
157 office setting must register the office with the department
158 unless that office is licensed as a facility pursuant to chapter
159 395. The department shall inspect the physician's office
160 annually unless the office is accredited by a nationally
161 recognized accrediting agency or an accrediting organization
162 subsequently approved by the Board of Osteopathic Medicine. The
163 actual costs for registration and inspection or accreditation
164 shall be paid by the person seeking to register and operate the
165 office setting in which office surgery is performed.

166 ~~(3) All privately owned pain-management clinics,~~
167 ~~facilities, or offices, hereinafter referred to as "clinics,"~~
168 ~~which advertise in any medium for any type of pain-management~~
169 ~~services, or employ a physician who is licensed under this~~
170 ~~chapter and who is primarily engaged in the treatment of pain by~~
171 ~~prescribing or dispensing controlled substance medications, must~~
172 ~~register with the department by January 4, 2010, unless that~~
173 ~~clinic is licensed as a facility under chapter 395. A physician~~
174 ~~may not practice osteopathic medicine in a pain-management~~

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175 ~~clinic that is required to but has not registered with the~~
176 ~~department. Each clinic location shall be registered separately~~
177 ~~regardless of whether the clinic is operated under the same~~
178 ~~business name or management as another clinic. If the clinic is~~
179 ~~licensed as a health care clinic under chapter 400, the medical~~
180 ~~director is responsible for registering the facility with the~~
181 ~~department. If the clinic is not registered under chapter 395 or~~
182 ~~chapter 400, the clinic shall, upon registration with the~~
183 ~~department, designate a physician who is responsible for~~
184 ~~complying with all requirements related to registration of the~~
185 ~~clinic. The designated physician shall be licensed under chapter~~
186 ~~458 or this chapter and shall practice at the office location~~
187 ~~for which the physician has assumed responsibility. The~~
188 ~~department shall inspect the clinic annually to ensure that it~~
189 ~~complies with rules of the Board of Osteopathic Medicine adopted~~
190 ~~pursuant to this subsection and subsection (4) unless the office~~
191 ~~is accredited by a nationally recognized accrediting agency~~
192 ~~approved by the Board of Osteopathic Medicine. The actual costs~~
193 ~~for registration and inspection or accreditation shall be paid~~
194 ~~by the physician seeking to register the clinic.~~

195 ~~(4) The Board of Osteopathic Medicine shall adopt rules~~
196 ~~setting forth standards of practice for physicians who practice~~
197 ~~in privately owned pain management clinics that primarily engage~~
198 ~~in the treatment of pain by prescribing or dispensing controlled~~
199 ~~substance medications. Such rules shall address, but need not be~~
200 ~~limited to, the following subjects:~~

201 ~~(a) Facility operations;~~

202 ~~(b) Physical operations;~~

203 ~~(c) Infection control requirements;~~

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- 204 ~~(d) Health and safety requirements;~~
205 ~~(e) Quality assurance requirements;~~
206 ~~(f) Patient records;~~
207 ~~(g) Training requirements for all facility health care~~
208 ~~practitioners who are not regulated by another board;~~
209 ~~(h) Inspections; and~~
210 ~~(i) Data collection and reporting requirements.~~

211
212 ~~A physician is primarily engaged in the treatment of pain by~~
213 ~~prescribing or dispensing controlled substance medications when~~
214 ~~the majority of the patients seen are prescribed or dispensed~~
215 ~~controlled substance medications for the treatment of chronic~~
216 ~~nonmalignant pain. Chronic nonmalignant pain is pain unrelated~~
217 ~~to cancer which persists beyond the usual course of the disease~~
218 ~~or the injury that is the cause of the pain or more than 90 days~~
219 ~~after surgery.~~

220 ~~(5) A privately owned clinic, facility, or office that~~
221 ~~advertises in any medium for any type of pain-management~~
222 ~~services or employs one or more physicians who are primarily~~
223 ~~engaged in the treatment of pain by prescribing or dispensing~~
224 ~~controlled substances is exempt from the registration provisions~~
225 ~~in subsection (3) if the majority of the physicians who provide~~
226 ~~services in the clinic, facility, or office primarily provide~~
227 ~~surgical services.~~

228 Section 3. Section 458.3265, Florida Statutes, is created
229 to read:

230 458.3265 Pain-management clinics.-

231 (1) With the exception of facilities licensed under chapter
232 395, all privately owned pain-management clinics, facilities, or

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233 offices, referred to as "clinics" in this section, which
234 advertise in any medium for any type of pain-management
235 services, or employ a physician who is primarily engaged in the
236 treatment of pain by prescribing or dispensing controlled
237 substance medications, must register with the department by
238 January 4, 2010. A physician may not practice medicine in a
239 pain-management clinic that is not registered with the
240 department as required in this section. If the department finds
241 that a privately owned pain-management clinic is owned, directly
242 or indirectly, by a person who has been convicted of any felony
243 in this state or any other state or the United States, the
244 department shall refuse to issue a certificate of registration
245 to the clinic or shall revoke a certificate of registration
246 previously issued by the department. As used in this subsection,
247 the term "convicted" includes an adjudication of guilt on a plea
248 of guilty or nolo contendere, or the forfeiture of a bond when
249 charged with a crime. Each clinic location shall be registered
250 separately regardless of whether the clinic is operated under
251 the same business name or management as another clinic. If the
252 clinic is licensed as a health care clinic under chapter 400,
253 the medical director is responsible for registering the facility
254 with the department. If the clinic is not registered pursuant to
255 chapter 395 or chapter 400, the clinic shall, upon registration
256 with the department, designate a physician who is responsible
257 for complying with all requirements related to registration of
258 the clinic. The designated physician shall be licensed under
259 this chapter or chapter 459 and shall practice at the office
260 location for which the physician has assumed responsibility. The
261 department shall inspect the clinic annually to ensure that it

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262 complies with rules of the board adopted pursuant to this
263 subsection and subsection (2) unless the clinic is accredited by
264 a nationally recognized accrediting agency approved by the
265 board. Registration under this section automatically expires
266 after 2 years without further action by the board or the
267 department unless an application for renewal is approved by the
268 board. The actual costs for registration and inspection or
269 accreditation shall be paid by the physician seeking to register
270 the clinic.

271 (2) The board shall adopt rules setting forth standards of
272 practice for physicians practicing in privately owned pain-
273 management clinics that primarily engage in the treatment of
274 pain by prescribing or dispensing controlled substance
275 medications. Such rules shall address, but need not be limited
276 to, the following:

- 277 (a) Facility operations;
278 (b) Physical operations;
279 (c) Infection control requirements;
280 (d) Health and safety requirements;
281 (e) Quality assurance requirements;
282 (f) Patient records;
283 (g) Training requirements for all facility health care
284 practitioners who are not regulated by another board;
285 (h) Inspections; and
286 (i) Data collection and reporting requirements.

287
288 A physician is primarily engaged in the treatment of pain by
289 prescribing or dispensing controlled substance medications when
290 the majority of the patients seen are prescribed or dispensed

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291 controlled substance medications for the treatment of chronic
292 nonmalignant pain. Chronic nonmalignant pain is pain unrelated
293 to cancer which persists beyond the usual course of the disease
294 or the injury that is the cause of the pain or more than 90 days
295 after surgery.

296 (3) A privately owned clinic, facility, or office that
297 advertises in any medium for any type of pain-management
298 services or employs one or more physicians who are primarily
299 engaged in the treatment of pain by prescribing or dispensing
300 controlled substances is exempt from the registration provisions
301 in subsection (1) if the majority of the physicians who provide
302 services in the clinic, facility, or office primarily provide
303 surgical services.

304 (4) As used in this section, the term "parties affiliated
305 with a pain-management clinic" means:

306 (a) A director, officer, trustee, partner, or committee
307 member of a pain-management clinic or applicant or a subsidiary
308 or service corporation of the pain-management clinic or
309 applicant; or

310 (b) A person who, directly or indirectly, manages,
311 controls, or oversees the operation of a pain-management clinic
312 or applicant, regardless of whether the person is a partner,
313 shareholder, manager, member, officer, director, independent
314 contractor, or employee of the pain-management clinic or
315 applicant.

316 (5) An application for initial or renewal registration of a
317 pain-management clinic submitted to the department must include:

318 (a) The name, full business address, and telephone number
319 of the applicant.

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- 320 (b) All trade or business names used by the applicant.
- 321 (c) The address, telephone numbers, and names of contact
322 persons for each facility used by the applicant for the
323 prescribing or dispensing of controlled substance medications in
324 the treatment of pain.
- 325 (d) The type of ownership or operation, such as a
326 partnership, corporation, or sole proprietorship.
- 327 (e) The names of the owner and the operator of the pain-
328 management clinic, including:
- 329 1. If an individual, the name of the individual.
- 330 2. If a partnership, the name of each partner and the name
331 of the partnership.
- 332 3. If a corporation:
- 333 a. The name, address, and title of each corporate officer
334 and director.
- 335 b. The name and address of the corporation and the resident
336 agent of the corporation, the resident agent's address, and the
337 corporation's state of incorporation.
- 338 c. The name and address of each shareholder of the
339 corporation that owns 5 percent or more of the outstanding stock
340 of the corporation.
- 341 4. If a sole proprietorship, the full name of the sole
342 proprietor and the name of the business entity.
- 343 5. If a limited liability company:
- 344 a. The name and address of each member.
- 345 b. The name and address of each manager.
- 346 c. The name and address of the limited liability company,
347 the resident agent of the limited liability company, and the
348 name of the state in which the limited liability company was

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349 organized.

350 (f) The tax year of the applicant.

351 (g) A copy of the deed for the property on which the
352 applicant's pain-management clinic is located, if the clinic is
353 owned by the applicant, or a copy of the applicant's lease for
354 the property on which the applicant's pain-management clinic is
355 located, which must have an original term of not less than 1
356 calendar year, if the pain-management clinic is not owned by the
357 applicant.

358 (h) A list of all licenses and permits issued to the
359 applicant by any other state which authorize the applicant to
360 purchase or possess prescription drugs.

361 (i) The name of the manager of the pain-management clinic
362 that is applying for the initial or renewal registration, the
363 next four highest ranking employees responsible for operations
364 of the pain-management clinic, the name of all parties
365 affiliated with the pain-management clinic, and the personal
366 information statement and fingerprints required under subsection
367 (6) for each of these persons.

368 (6) (a) Each person required by paragraph (5) (i) to provide
369 a personal information statement and fingerprints shall provide
370 the following information to the department on forms prescribed
371 by the department:

372 1. The person's places of residence for the past 7 years.

373 2. The person's date and place of birth.

374 3. The person's occupations, positions of employment, and
375 offices held during the past 7 years.

376 4. The principal business and address of any business,
377 corporation, or other organization in which the person:

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- 378 a. Held an office during the past 7 years; or
379 b. Had an occupation or position of employment during the
380 past 7 years.
- 381 5. Whether the person has been, during the past 7 years,
382 the subject of any proceeding for the revocation of any license
383 and, if so, the nature of the proceeding and the disposition of
384 the proceeding.
- 385 6. Whether, during the past 7 years, the person has been
386 enjoined, temporarily or permanently, by a court of competent
387 jurisdiction from violating any federal or state law regulating
388 the possession, control, or distribution of prescription drugs,
389 together with details concerning any such event.
- 390 7. A description of any involvement by the person during
391 the past 7 years, including any investments, other than the
392 ownership of stock in a publicly traded company or mutual fund,
393 with any business that manufactured, administered, prescribed,
394 distributed, or stored pharmaceutical products and any lawsuits
395 in which the businesses were named as a party.
- 396 8. A description of any felony criminal offense of which
397 the person, as an adult, was found guilty, regardless of whether
398 adjudication of guilt was withheld or whether the person pled
399 guilty or nolo contendere. A criminal offense committed in
400 another jurisdiction which would have been a felony in this
401 state must be reported. If the person indicates that a criminal
402 conviction is under appeal and submits a copy of the notice of
403 appeal of that criminal offense, the applicant shall, within 15
404 days after the disposition of the appeal, submit to the
405 department a copy of the final written order of disposition.
- 406 9. A photograph of the person taken in the previous 30

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407 days.

408 10. A set of fingerprints for the person on a form and
409 under procedures specified by the department and payment of an
410 amount equal to the costs incurred by the department for the
411 criminal record check of the person.

412 11. The name, address, occupation, and date and place of
413 birth for each member of the person's immediate family who is 18
414 years of age or older. As used in this subparagraph, the term
415 "member of the person's immediate family" includes the person's
416 spouse, children, parents, siblings, the spouses of the person's
417 children, and the spouses of the person's siblings.

418 12. Any other relevant information that the department
419 requires.

420 (b) The information required under paragraph (a) shall be
421 provided under oath.

422 (c)1. The department shall submit the fingerprints provided
423 with an application for initial registration to the Department
424 of Law Enforcement for a statewide criminal record check and for
425 forwarding to the Federal Bureau of Investigation for a national
426 criminal record check.

427 2. For the initial renewal of a registration on or after
428 January 1, 2010, the department shall submit the fingerprints
429 provided as a part of a renewal application to the Department of
430 Law Enforcement for a statewide criminal record check, and for
431 forwarding to the Federal Bureau of Investigation for a national
432 criminal record check. For any subsequent renewal of a
433 registration, the department shall submit the required
434 information for a statewide and national criminal record check.

435 3. Any person who submits to the department a set of

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436 fingerprints for a criminal record check is not required to
437 provide a subsequent set of fingerprints for a criminal record
438 check if the person has undergone a criminal record check as a
439 condition of the issuance of an initial registration or the
440 initial renewal of a registration on or after January 1, 2010.

441 Section 4. Section 459.0137, Florida Statutes, is created
442 to read:

443 459.0137 Pain-management clinics.-

444 (1) With the exception of facilities licensed under chapter
445 395, all privately owned pain-management clinics, facilities, or
446 offices, referred to as "clinics" in this section, which
447 advertise in any medium for any type of pain-management
448 services, or employ a physician who is licensed under this
449 chapter and who is primarily engaged in the treatment of pain by
450 prescribing or dispensing controlled substance medications, must
451 register with the department by January 4, 2010. A physician may
452 not practice osteopathic medicine in a pain-management clinic
453 that is not registered with the department as required in this
454 section. If the department finds that a privately owned pain-
455 management clinic is owned, directly or indirectly, by a person
456 who has been convicted of any felony in this state or any other
457 state or the United States, the department shall refuse to issue
458 a certificate of registration to the clinic or shall revoke a
459 certificate of registration previously issued by the department.
460 As used in this subsection, the term "convicted" includes an
461 adjudication of guilt on a plea of guilty or nolo contendere or
462 the forfeiture of a bond when charged with a crime. Each clinic
463 location shall be registered separately regardless of whether
464 the clinic is operated under the same business name or

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465 management as another clinic. If the clinic is licensed as a
466 health care clinic under chapter 400, the medical director is
467 responsible for registering the facility with the department. If
468 the clinic is not registered under chapter 395 or chapter 400,
469 the clinic shall, upon registration with the department,
470 designate a physician who is responsible for complying with all
471 requirements related to registration of the clinic. The
472 designated physician shall be licensed under chapter 458 or this
473 chapter and shall practice at the office location for which the
474 physician has assumed responsibility. The department shall
475 inspect the clinic annually to ensure that it complies with
476 rules of the board of adopted pursuant to this subsection and
477 subsection (2) unless the clinic is accredited by a nationally
478 recognized accrediting agency approved by the board.

479 Registration under this section automatically expires after 2
480 years without further action by the board or the department
481 unless an application for renewal is approved by the board. The
482 actual costs for registration and inspection or accreditation
483 shall be paid by the physician seeking to register the clinic.

484 (2) The board shall adopt rules setting forth standards of
485 practice for physicians who practice in privately owned pain-
486 management clinics that primarily engage in the treatment of
487 pain by prescribing or dispensing controlled substance
488 medications. Such rules shall address, but need not be limited
489 to, the following:

490 (a) Facility operations;

491 (b) Physical operations;

492 (c) Infection control requirements;

493 (d) Health and safety requirements;

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494 (e) Quality assurance requirements;

495 (f) Patient records;

496 (g) Training requirements for all facility health care
497 practitioners who are not regulated by another board;

498 (h) Inspections; and

499 (i) Data collection and reporting requirements.

500
501 A physician is primarily engaged in the treatment of pain by
502 prescribing or dispensing controlled substance medications when
503 the majority of the patients seen are prescribed or dispensed
504 controlled substance medications for the treatment of chronic
505 nonmalignant pain. Chronic nonmalignant pain is pain unrelated
506 to cancer which persists beyond the usual course of the disease
507 or the injury that is the cause of the pain or more than 90 days
508 after surgery.

509 (3) A privately owned clinic, facility, or office that
510 advertises in any medium for any type of pain-management
511 services or employs one or more physicians who are primarily
512 engaged in the treatment of pain by prescribing or dispensing
513 controlled substances is exempt from the registration provisions
514 in subsection (1) if the majority of the physicians who provide
515 services in the clinic, facility, or office primarily provide
516 surgical services.

517 (4) As used in this section, the term "parties affiliated
518 with a pain-management clinic" means:

519 (a) A director, officer, trustee, partner, or committee
520 member of a pain-management clinic or applicant, or a subsidiary
521 or service corporation of the pain-management clinic or
522 applicant;

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523 (b) A person who, directly or indirectly, manages,
524 controls, or oversees the operation of a pain-management clinic
525 or applicant, regardless of whether the person is a partner,
526 shareholder, manager, member, officer, director, independent
527 contractor, or employee of the pain-management clinic or
528 applicant.

529 (5) An application for initial or renewal registration as a
530 pain-management clinic submitted to the department must include:

531 (a) The name, full business address, and telephone number
532 of the applicant.

533 (b) All trade or business names used by the applicant.

534 (c) The address, telephone numbers, and names of contact
535 persons for each facility used by the applicant for the
536 prescribing or dispensing of controlled substance medications in
537 the treatment of pain.

538 (d) The type of ownership or operation, such as a
539 partnership, corporation, or sole proprietorship.

540 (e) The names of the owner and the operator of the pain-
541 management clinic, including:

542 1. If an individual, the name of the individual.

543 2. If a partnership, the name of each partner and the name
544 of the partnership.

545 3. If a corporation:

546 a. The name, address, and title of each corporate officer
547 and director.

548 b. The name and address of the corporation and the resident
549 agent of the corporation, the resident agent's address, and the
550 corporation's state of incorporation.

551 c. The name and address of each shareholder of the

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552 corporation that owns 5 percent or more of the outstanding stock
553 of the corporation.

554 4. If a sole proprietorship, the full name of the sole
555 proprietor and the name of the business entity.

556 5. If a limited liability company:

557 a. The name and address of each member.

558 b. The name and address of each manager.

559 c. The name and address of the limited liability company,
560 the resident agent of the limited liability company, and the
561 name of the state in which the limited liability company was
562 organized.

563 (f) The tax year of the applicant.

564 (g) A copy of the deed for the property on which the
565 applicant's pain-management clinic is located, if the clinic is
566 owned by the applicant, or a copy of the applicant's lease for
567 the property on which the applicant's pain-management clinic is
568 located, which must have an original term of not less than 1
569 calendar year, if the pain-management clinic is not owned by the
570 applicant.

571 (h) A list of all licenses and permits issued to the
572 applicant by any other state which authorize the applicant to
573 purchase or possess prescription drugs.

574 (i) The name of the manager of the pain-management clinic
575 that is applying for the initial or renewal registration, the
576 next four highest ranking employees responsible for operations
577 of the pain-management clinic, and the name of all parties
578 affiliated with the pain-management clinic, and the personal
579 information statement and fingerprints required under subsection
580 (6) for each of these persons.

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581 (6) (a) Each person required by paragraph (5) (i) to provide
582 a personal information statement and fingerprints must provide
583 the following information to the department on forms prescribed
584 by the department:

585 1. The person's places of residence for the past 7 years.

586 2. The person's date and place of birth.

587 3. The person's occupations, positions of employment, and
588 offices held during the past 7 years.

589 4. The principal business and address of any business,
590 corporation, or other organization in which the person:

591 a. Held an office during the past 7 years; or

592 b. Had an occupation or position of employment during the
593 past 7 years.

594 5. Whether the person has been, during the past 7 years,
595 the subject of any proceeding for the revocation of any license
596 and, if so, the nature of the proceeding and the disposition of
597 the proceeding.

598 6. Whether, during the past 7 years, the person has been
599 temporarily or permanently enjoined by a court of competent
600 jurisdiction from violating any federal or state law regulating
601 the possession, control, or distribution of prescription drugs,
602 together with details concerning any such event.

603 7. A description of any involvement by the person during
604 the past 7 years, including any investments, other than the
605 ownership of stock in a publicly traded company or mutual fund,
606 with any business that manufactured, administered, prescribed,
607 distributed, or stored pharmaceutical products and any lawsuits
608 in which the businesses were named as a party.

609 8. A description of any felony criminal offense of which

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610 the person, as an adult, was found guilty, regardless of whether
611 adjudication of guilt was withheld or whether the person pled
612 guilty or nolo contendere. A criminal offense committed in
613 another jurisdiction which would have been a felony in this
614 state must be reported. If the person indicates that a criminal
615 conviction is under appeal and submits a copy of the notice of
616 appeal of that criminal offense, the applicant must, within 15
617 days after the disposition of the appeal, submit to the
618 department a copy of the final written order of disposition.

619 9. A photograph of the person taken in the previous 30
620 days.

621 10. A set of fingerprints for the person on a form and
622 under procedures specified by the department, together with
623 payment of an amount equal to the costs incurred by the
624 department for the criminal record check of the person.

625 11. The name, address, occupation, and date and place of
626 birth for each member of the person's immediate family who is 18
627 years of age or older. As used in this subparagraph, the term
628 "member of the person's immediate family" includes the person's
629 spouse, children, parents, siblings, the spouses of the person's
630 children, and the spouses of the person's siblings.

631 12. Any other relevant information that the department
632 requires.

633 (b) The information required under paragraph (a) shall be
634 provided under oath.

635 (c)1. The department shall submit the fingerprints provided
636 with an application for initial registration to the Department
637 of Law Enforcement for a statewide criminal record check and for
638 forwarding to the Federal Bureau of Investigation for a national

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639 criminal record check.

640 2. For the initial renewal of a registration on or after
641 January 1, 2010, the department shall submit the fingerprints
642 provided as a part of a renewal application to the Department of
643 Law Enforcement for a statewide criminal record check, and for
644 forwarding to the Federal Bureau of Investigation for a national
645 criminal record check. For any subsequent renewal of a permit,
646 the department shall submit the required information for a
647 statewide and national criminal record check.

648 3. Any person who submits to the department a set of
649 fingerprints for a criminal record check is not required to
650 provide a subsequent set of fingerprints for a criminal record
651 check if the person has undergone a criminal record check as a
652 condition of the issuance of an initial registration or the
653 initial renewal of a registration on or after January 1, 2010.

654 Section 5. This act shall take effect July 1, 2010.