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LEGISLATIVE ACTION

Senate

House

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Floor: WD/2R

04/27/2011 02:29 PM

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Senator Fasano moved the following:

**Senate Amendment (with directory and title amendments)**

Delete lines 529 - 559

and insert:

(a) A physician may not practice medicine in a pain-management clinic, as described in subsection (4), if:

1. The pain-management clinic is not registered with the department as required by this section; or

2. Effective July 1, 2012, the physician has not successfully completed a pain-medicine fellowship that is accredited by the Accreditation Council for Graduate Medical Education or a pain-medicine residency that is accredited by the Accreditation Council for Graduate Medical Education or, prior



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14 to July 1, 2012, met one of the following qualifications: ~~does~~  
15 ~~not comply with rules adopted by the board.~~

16 a. Board certification by a specialty board recognized by  
17 the American Board of Medical Specialties and holds a sub-  
18 specialty certification in pain medicine.

19 b. Board certification in pain medicine by the American  
20 Board of Pain Medicine.

21 c.(I) Successful completion of a residency program in  
22 physical medicine and rehabilitation, anesthesiology, neurology,  
23 neurosurgery, family practice, internal medicine, orthopedics,  
24 or psychiatry approved by the Accreditation Council for Graduate  
25 Medical Education.

26 (II) Sub-specialty certification in hospice and palliative  
27 medicine or geriatric medicine recognized by American Board of  
28 Medical Specialties.

29 d. Staff privileges at a Florida-licensed hospital to  
30 practice pain medicine or perform pain-medicine procedures.

31 e. Three years of documented full-time practice, which is  
32 defined as an average of 20 hours per week each year, in pain-  
33 management and after October 1, 2011, attended and successfully  
34 completed 40 hours of in-person, live-participatory AMA Category  
35 I CME courses in pain-management, which address all the  
36 following subject areas:

37 (I) The goals of treating both short-term and ongoing pain  
38 treatment.

39 (II) Controlled substance prescribing rules, including  
40 controlled substances agreements.

41 (III) Drug screening or testing, including usefulness and  
42 limitations.



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43           (IV) The use of controlled substances in treating short-  
44 term and ongoing pain syndromes, including usefulness and  
45 limitations.

46           (V) Evidenced-based, noncontrolled pharmacological pain  
47 treatments.

48           (VI) Evidenced-based, nonpharmacological pain treatments.

49           (VII) A complete pain-medicine history and a physical  
50 examination.

51           (VIII) Appropriate progress note keeping.

52           (IX) Comorbidities with pain disorders, including  
53 psychiatric and addictive disorders.

54           (X) Drug abuse and diversion, and prevention of same.

55           (XI) Risk management.

56           (XII) Medical ethics.

57  
58 In addition to the CME requirements set forth in this sub-sub-  
59 subparagraph, physicians must be able to document hospital  
60 privileges at a hospital licensed in this state; practice under  
61 the direct supervision of a physician who is qualified in sub-  
62 sub-subparagraphs a. through c.; or have the practice reviewed  
63 by a Florida-licensed risk manager and document compliance with  
64 all recommendations of the risk management review. Upon  
65 completion of the 40 hours of CME requirements set forth in this  
66 sub-sub-subparagraph, a physician must also document the  
67 completion of 15 hours of live lecture format, Category I CME in  
68 pain management for every year the physician is practicing pain  
69 management.

70           (b) Any physician who qualifies to practice medicine in a  
71 pain-management clinic pursuant to rules adopted by the Board of



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72 Medicine as of July 1, 2012, may continue to practice medicine  
73 in a pain-management clinic as long as the physician continues  
74 to meet the qualifications set forth in the board rules. A  
75 physician who violates this paragraph is subject to disciplinary  
76 action by his or her appropriate medical regulatory board.

77 (c)~~(b)~~ A person may not dispense any medication, including  
78 a controlled substance, on the premises of a registered pain-  
79 management clinic unless he or she is a physician licensed under  
80 this chapter or chapter 459.

81 (d)~~(e)~~ A physician, an advanced registered nurse  
82 practitioner, or a physician assistant must perform an  
83 appropriate medical ~~a physical~~ examination of a patient on the  
84 same day that the physician ~~he or she~~ dispenses or prescribes a  
85 controlled substance to a patient at a pain-management clinic.  
86 If the physician prescribes or dispenses more than a 72-hour  
87 dose of controlled substances for the treatment of chronic  
88 nonmalignant pain, the physician must document in the patient's  
89 record the reason such dosage is within the standard of care.  
90 For the purpose of this paragraph, the standard of care is set  
91 forth in rule 64B8-9.013(3), Florida Administrative Code ~~for~~  
92 ~~prescribing or dispensing that quantity.~~

93 (e)~~(d)~~ A physician authorized to prescribe controlled  
94 substances who practices at a pain-management clinic is  
95 responsible for maintaining the control and security of his or  
96 her prescription blanks and any other method used for  
97 prescribing controlled substance pain medication. The physician  
98 shall comply with the requirements for counterfeit-resistant  
99 prescription blanks in s. 893.065 and the rules adopted pursuant  
100 to that section. The physician shall notify, in writing, the



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101 department within 24 hours following any theft or loss of a  
102 prescription blank or breach of any other method for prescribing  
103 pain medication.

104 (f)~~(e)~~ The designated physician of a pain-management clinic  
105 shall notify the applicable board in writing of the date of  
106 termination of employment within 10 days after terminating his  
107 or her employment with a pain-management clinic that is required  
108 to be registered under subsection (1).

109  
110 ===== D I R E C T O R Y C L A U S E A M E N D M E N T =====

111 And the directory clause is amended as follows:

112 Delete lines 496 - 499

113 and insert:

114 Section 7. Paragraph (a) of subsection (1) and subsection  
115 (2) of section 458.3265, Florida Statutes, are amended, and  
116 paragraphs (f) and (g) are added to subsection (5) of that  
117 section, to read:

118  
119 ===== T I T L E A M E N D M E N T =====

120 And the title is amended as follows:

121 Delete lines 42 - 44

122 and insert:

123 as a pain-management clinic; specifying qualifications  
124 for a physician to practice medicine in a pain-  
125 management clinic; requiring a physician, an