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LEGISLATIVE ACTION

Senate

House

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04/28/2011 02:15 PM

Senator Bogdanoff moved the following:

Senate Amendment (with directory and title amendments)

Delete lines 501 - 524

and insert:

(1) REGISTRATION.—

(a) All privately owned pain-management clinics, facilities, or offices, hereinafter referred to as "clinics," which advertise in any medium for any type of pain-management services, or employ a physician who is primarily engaged in the treatment of pain by prescribing or dispensing controlled substance medications, must register with the department unless:

1. That clinic is licensed as a facility pursuant to chapter 395;



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14 2. The majority of the physicians who provide services in
15 the clinic primarily provide surgical services or interventional
16 pain procedures of the type routinely billed using surgical
17 codes;

18 3. The clinic is owned by a publicly held corporation whose
19 shares are traded on a national exchange or on the over-the-
20 counter market and whose total assets at the end of the
21 corporation's most recent fiscal quarter exceeded \$50 million;

22 4. The clinic is affiliated with an accredited medical
23 school at which training is provided for medical students,
24 residents, or fellows;

25 5. The clinic does not prescribe or dispense controlled
26 substances for the treatment of pain; or

27 6. The clinic is owned by a corporate entity exempt from
28 federal taxation under 26 U.S.C. s. 501(c)(3).

29 (f) If the department finds upon a hearing by the probable
30 cause panel of the appropriate board that a pain-management
31 clinic does not meet the requirement of paragraph (d) or is
32 owned, directly or indirectly, by a person meeting any criteria
33 listed in paragraph (e), the department shall revoke the
34 certificate of registration previously issued by the department.
35 As determined by rule, the department may grant an exemption to
36 denying a registration or revoking a previously issued
37 registration if more than 10 years have elapsed since
38 adjudication. As used in this subsection, the term "convicted"
39 includes an adjudication of guilt following a plea of guilty or
40 nolo contendere or the forfeiture of a bond when charged with a
41 crime.

42 (g) The department may revoke the clinic's certificate of



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43 registration and prohibit all physicians associated with that
44 pain-management clinic from practicing at that clinic location
45 based upon an annual inspection and evaluation of the factors
46 described in subsection (3) and upon a final determination by
47 the probable cause panel of the appropriate board that any
48 physician associated with that pain-management clinic knew or
49 should have known of any violations of the factors described in
50 subsection (3).

51 (h)1. If the registration of a pain-management clinic is
52 revoked or suspended, the designated physician of the pain-
53 management clinic, the owner or lessor of the pain-management
54 clinic property, the manager, and the proprietor shall cease to
55 operate the facility as a pain-management clinic as of the
56 effective date of the suspension or revocation.

57 2. Notwithstanding subparagraph 1., the clinic's
58 registration shall not be revoked or suspended if the clinic,
59 within 24 hours after notification of suspension or revocation,
60 appoints another designated physician who has a full, active,
61 and unencumbered license under this chapter or chapter 459 to
62 operate a pain-management clinic.

63 (k) If the clinic's registration is revoked, any person
64 named in the registration documents of the pain-management
65 clinic, including persons owning or operating the pain-
66 management clinic, may not, as an individual or as a part of a
67 group, apply to operate a pain-management clinic for 5 years
68 after the date the registration is revoked upon a finding by the
69 probable cause panel of the appropriate board, and an
70 opportunity to be heard, that the persons operating such clinic
71 knew or should have known of violations causing such revocation.



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

74 And the directory clause is amended as follows:

75 Delete line 496

76 and insert:

77 Section 7. Paragraphs (a), (f), (g), (h), and (k) of
78 subsection (1) and paragraphs

79
80 ===== T I T L E A M E N D M E N T =====

81 And the title is amended as follows:

82 Delete line 42

83 and insert:

84 as a pain-management clinic; authorizing the
85 department to revoke the certificate of registration
86 of a pain-management clinic based upon a finding by a
87 probable cause panel of a board that the clinic does
88 not meet certain requirements; authorizing the
89 department to revoke a clinic's certificate of
90 registration and prohibit all physicians associated
91 with that clinic from practicing at that clinic
92 location based upon an annual inspection and
93 evaluation and upon a final determination by the
94 probable cause panel of the appropriate board that any
95 physician associated with that pain-management clinic
96 knew or should have known of certain violations;
97 prohibiting the department from revoking or suspending
98 a clinic's registration if the clinic appoints another
99 designated physician; prohibiting persons owing or
100 operating a pain-management clinic that has a revoked



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101 registration from applying to operate another pain-
102 management clinic within a specified number of years
103 upon a finding by the probable cause panel of the
104 appropriate board, and an opportunity to be heard,
105 that the persons operating such clinic knew or should
106 have known of violations causing such revocation;
107 deleting certain