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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/31/2012	.	
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The Committee on Health Regulation (Diaz de la Portilla)
recommended the following:

Senate Amendment (with title amendment)

Delete lines 178 - 218

and insert:

458.3265 Pain-management clinics.-

(1) REGISTRATION.-

(a)1. As used in this section, the term:

a. "Chronic nonmalignant pain" means pain unrelated to cancer or rheumatoid arthritis which persists beyond the usual course of disease or beyond the injury that is the cause of the pain or which persists more than 90 days after surgery.

b. "Pain-management clinic" or "clinic" means any publicly



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13 or privately owned facility:

14 (I) That advertises in any medium for any type of pain-
15 management services; or

16 (II) Where in any month a majority of patients are
17 prescribed opioids, benzodiazepines, barbiturates, or
18 carisoprodol for the treatment of chronic nonmalignant pain.

19 2. Each pain-management clinic must register with the
20 department unless:

21 a. The ~~That~~ clinic is licensed as a facility pursuant to
22 chapter 395;

23 b. The majority of the physicians who provide services in
24 the clinic ~~primarily~~ provide primarily surgical services;

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

29 d. The clinic is affiliated with an accredited medical
30 school at which training is provided for medical students,
31 residents, or fellows;

32 e. The clinic does not prescribe controlled substances for
33 the treatment of pain;

34 f. The clinic is owned by a corporate entity exempt from
35 federal taxation under 26 U.S.C. s. 501(c)(3);

36 g. The clinic is wholly owned ~~and operated~~ by one or more
37 board-eligible or board-certified anesthesiologists,
38 physiatrists, psychiatrists, rheumatologists, or neurologists;
39 ~~or~~

40 h. The clinic is wholly owned ~~and operated~~ by one or more
41 board-eligible or board-certified medical specialists who have



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42 also completed fellowships in pain medicine approved by the
43 Accreditation Council for Graduate Medical Education, or who are
44 also board-eligible or board-certified in pain medicine by a
45 board approved by the American Board of Pain Medicine or the
46 American Board of Medical Specialties and perform interventional
47 pain procedures of the type routinely billed using surgical
48 codes;

49 i. The clinic is organized as a physician-owned group
50 practice as defined in 42 C.F.R. 411.352; or

51 j. Before June 1, 2011, the clinic was wholly owned by
52 physicians who are not board eligible or board certified but who
53 successfully completed a residency program in anesthesiology,
54 physiatry, psychiatry, rheumatology, or neurology and who have 7
55 years of documented, full-time practice in pain medicine in this
56 state. For purposes of this paragraph, the term "full time" is
57 defined as practicing an average of 20 hours per week each year
58 in pain medicine.

59
60 ===== T I T L E A M E N D M E N T =====

61 And the title is amended as follows:

62 Delete lines 15 - 19

63 and insert:

64 s. 458.3265, F.S.; requiring that a pain-management
65 clinic register with the Department of Health unless
66 the clinic is wholly owned by certain board-eligible
67 or board-certified physicians or medical specialists,
68 organized as a physician-owned group practice, or
69 wholly owned by physicians who are not board eligible
70 or board certified but who completed specified



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71 residency programs and have a specified number of
72 years of full-time practice in pain medicine; amending
73 s. 459.0137, F.S.; requiring that a pain-management
74 clinic register with the Department of Health unless
75 the clinic is wholly owned and operated by certain
76 physicians, including a board-certified psychiatrist
77 or rheumatologist;