



322386

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/16/2012	.	
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The Committee on Health Regulation (Diaz de la Portilla)
recommended the following:

Senate Amendment (with title amendment)

Between lines 245 and 246
insert:

Section 7. Paragraph (a) of subsection (1) of section
458.3265, Florida Statutes, is amended to read:

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, or sickle cell anemia which
persists beyond the usual course of disease or beyond the injury



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13 that is the cause of the pain or which persists more than 90
14 days after surgery.

15 b. "Pain-management clinic" or "clinic" means any publicly
16 or privately owned facility:

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

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

22 2. Each pain-management clinic must register with the
23 department unless:

24 a. The ~~That~~ clinic is licensed as a facility pursuant to
25 chapter 395;

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

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

32 d. The clinic is affiliated with an accredited medical
33 school at which training is provided for medical students,
34 residents, or fellows;

35 e. The clinic does not prescribe controlled substances for
36 the treatment of pain;

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

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



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42 ~~or~~

43 h. The clinic is wholly owned ~~and operated~~ by one or more
44 board-eligible or board-certified medical specialists who have
45 also completed fellowships in pain medicine approved by the
46 Accreditation Council for Graduate Medical Education, or who are
47 also board-eligible or board-certified in pain medicine by a
48 board approved by the American Board of Pain Medicine or the
49 American Board of Medical Specialties and perform interventional
50 pain procedures of the type routinely billed using surgical
51 codes;—

52 i. The clinic is organized as a physician-owned group
53 practice as defined in 42 C.F.R. 411,352; or

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

62 Section 8. Paragraph (a) of subsection (1) of section
63 459.0137, Florida Statutes, is amended to read:

64 459.0137 Pain-management clinics.—

65 (1) REGISTRATION.—

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

67 a. "Chronic nonmalignant pain" means pain unrelated to
68 cancer, ~~or~~ rheumatoid arthritis, or sickle cell anemia which
69 persists beyond the usual course of disease or beyond the injury
70 that is the cause of the pain or which persists more than 90



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71 days after surgery.

72 b. "Pain-management clinic" or "clinic" means any publicly
73 or privately owned facility:

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

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

79 2. Each pain-management clinic must register with the
80 department unless:

81 a. The ~~That~~ clinic is licensed as a facility pursuant to
82 chapter 395;

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

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

89 d. The clinic is affiliated with an accredited medical
90 school at which training is provided for medical students,
91 residents, or fellows;

92 e. The clinic does not prescribe controlled substances for
93 the treatment of pain;

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

96 g. The clinic is wholly owned ~~and operated~~ by one or more
97 board-eligible or board-certified anesthesiologists,
98 physiatrists, psychiatrists, rheumatologists, or neurologists;
99 or



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100 h. The clinic is wholly owned ~~and operated~~ by one or more
101 board-eligible or board-certified medical specialists who have
102 also completed fellowships in pain medicine approved by the
103 Accreditation Council for Graduate Medical Education or the
104 American Osteopathic Association, or who are also board-eligible
105 or board-certified in pain medicine by a board approved by the
106 American Board of Medical Specialties, the American Board of
107 Pain Medicine, or the American Osteopathic Association and
108 perform interventional pain procedures of the type routinely
109 billed using surgical codes.

110
111 ===== T I T L E A M E N D M E N T =====

112 And the title is amended as follows:

113 Delete line 2

114 and insert:

115 An act relating to health care facilities; amending

116

117 Delete line 26

118 and insert:

119 residents; amending ss. 458.3265 and 459.0137, F.S.;

120 revising the definition of the term "chronic

121 nonmalignant pain"; requiring that a pain-management

122 clinic register with the Department of Health unless

123 the clinic is wholly owned by certain board-eligible

124 or board-certified physicians or medical specialists,

125 organized as a physician-owned group practice, or

126 wholly owned by physicians who are not board eligible

127 or board certified but who have completed specified

128 residency programs and have a specified number of



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years of full-time practice in pain medicine; amending
s. 651.118, F.S.; providing a