

By Senator Bean

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1 A bill to be entitled
2 An act relating to nursing homes and related health
3 care facilities; amending s. 400.9905, F.S.;
4 clarifying provisions to exempt certain clinics that
5 receive reimbursement under the Florida Motor Vehicle
6 No-Fault Law from licensure requirements in this state
7 if they hold specific federal certification; extending
8 the exemption to clinics that are owned by certain
9 entities; providing an effective date.

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11 Be It Enacted by the Legislature of the State of Florida:

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13 Section 1. Subsection (4) of section 400.9905, Florida
14 Statutes, is amended to read:

15 400.9905 Definitions.—

16 (4) "Clinic" means an entity in which ~~where~~ health care
17 services are provided to individuals and which tenders charges
18 for reimbursement for such services, including a mobile clinic
19 and a portable equipment provider. As used in this part, the
20 term does not include and the licensure requirements of this
21 part do not apply to:

22 (a) Entities licensed or registered by the state under
23 chapter 395; entities licensed or registered by the state and
24 providing only health care services within the scope of services
25 authorized under their respective licenses under ss. 383.30-
26 383.335, chapter 390, chapter 394, chapter 397, this chapter
27 except part X, chapter 429, chapter 463, chapter 465, chapter
28 466, chapter 478, part I of chapter 483, chapter 484, or chapter
29 651; end-stage renal disease providers authorized under 42

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30 C.F.R. part 405, subpart U; providers certified under 42 C.F.R.
31 part 485, subpart B or subpart H; or any entity that provides
32 neonatal or pediatric hospital-based health care services or
33 other health care services by licensed practitioners solely
34 within a hospital licensed under chapter 395.

35 (b) Entities that own, directly or indirectly, entities
36 licensed or registered by the state pursuant to chapter 395;
37 entities that own, directly or indirectly, entities licensed or
38 registered by the state and providing only health care services
39 within the scope of services authorized pursuant to their
40 respective licenses under ss. 383.30-383.335, chapter 390,
41 chapter 394, chapter 397, this chapter except part X, chapter
42 429, chapter 463, chapter 465, chapter 466, chapter 478, part I
43 of chapter 483, chapter 484, or chapter 651; end-stage renal
44 disease providers authorized under 42 C.F.R. part 405, subpart
45 U; providers certified under 42 C.F.R. part 485, subpart B or
46 subpart H; or any entity that provides neonatal or pediatric
47 hospital-based health care services by licensed practitioners
48 solely within a hospital licensed under chapter 395.

49 (c) Entities that are owned, directly or indirectly, by an
50 entity licensed or registered by the state pursuant to chapter
51 395; entities that are owned, directly or indirectly, by an
52 entity licensed or registered by the state and providing only
53 health care services within the scope of services authorized
54 pursuant to their respective licenses under ss. 383.30-383.335,
55 chapter 390, chapter 394, chapter 397, this chapter except part
56 X, chapter 429, chapter 463, chapter 465, chapter 466, chapter
57 478, part I of chapter 483, chapter 484, or chapter 651; end-
58 stage renal disease providers authorized under 42 C.F.R. part

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59 405, subpart U; providers certified under 42 C.F.R. part 485,
60 subpart B or subpart H; or any entity that provides neonatal or
61 pediatric hospital-based health care services by licensed
62 practitioners solely within a hospital under chapter 395.

63 (d) Entities that are under common ownership, directly or
64 indirectly, with an entity licensed or registered by the state
65 pursuant to chapter 395; entities that are under common
66 ownership, directly or indirectly, with an entity licensed or
67 registered by the state and providing only health care services
68 within the scope of services authorized pursuant to their
69 respective licenses under ss. 383.30-383.335, chapter 390,
70 chapter 394, chapter 397, this chapter except part X, chapter
71 429, chapter 463, chapter 465, chapter 466, chapter 478, part I
72 of chapter 483, chapter 484, or chapter 651; end-stage renal
73 disease providers authorized under 42 C.F.R. part 405, subpart
74 U; providers certified under 42 C.F.R. part 485, subpart B or
75 subpart H; or any entity that provides neonatal or pediatric
76 hospital-based health care services by licensed practitioners
77 solely within a hospital licensed under chapter 395.

78 (e) An entity that is exempt from federal taxation under 26
79 U.S.C. s. 501(c)(3) or (4), an employee stock ownership plan
80 under 26 U.S.C. s. 409 that has a board of trustees at least
81 two-thirds of which are Florida-licensed health care
82 practitioners and provides only physical therapy services under
83 physician orders, any community college or university clinic,
84 and any entity owned or operated by the federal or state
85 government, including agencies, subdivisions, or municipalities
86 thereof.

87 (f) A sole proprietorship, group practice, partnership, or

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88 corporation that provides health care services by physicians
89 covered by s. 627.419, that is directly supervised by one or
90 more of such physicians, and that is wholly owned by one or more
91 of those physicians or by a physician and the spouse, parent,
92 child, or sibling of that physician.

93 (g) A sole proprietorship, group practice, partnership, or
94 corporation that provides health care services by licensed
95 health care practitioners under chapter 457, chapter 458,
96 chapter 459, chapter 460, chapter 461, chapter 462, chapter 463,
97 chapter 466, chapter 467, chapter 480, chapter 484, chapter 486,
98 chapter 490, chapter 491, or part I, part III, part X, part
99 XIII, or part XIV of chapter 468, or s. 464.012, and that is
100 wholly owned by one or more licensed health care practitioners,
101 or the licensed health care practitioners set forth in this
102 paragraph and the spouse, parent, child, or sibling of a
103 licensed health care practitioner if one of the owners who is a
104 licensed health care practitioner is supervising the business
105 activities and is legally responsible for the entity's
106 compliance with all federal and state laws. However, a health
107 care practitioner may not supervise services beyond the scope of
108 the practitioner's license, except that, for the purposes of
109 this part, a clinic owned by a licensee in s. 456.053(3) (b)
110 which provides only services authorized pursuant to s.
111 456.053(3) (b) may be supervised by a licensee specified in s.
112 456.053(3) (b).

113 (h) Clinical facilities affiliated with an accredited
114 medical school at which training is provided for medical
115 students, residents, or fellows.

116 (i) Entities that provide only oncology or radiation

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117 therapy services by physicians licensed under chapter 458 or
118 chapter 459 or entities that provide oncology or radiation
119 therapy services by physicians licensed under chapter 458 or
120 chapter 459 which are owned by a corporation whose shares are
121 publicly traded on a recognized stock exchange.

122 (j) Clinical facilities affiliated with a college of
123 chiropractic accredited by the Council on Chiropractic Education
124 at which training is provided for chiropractic students.

125 (k) Entities that provide licensed practitioners to staff
126 emergency departments or to deliver anesthesia services in
127 facilities licensed under chapter 395 and that derive at least
128 90 percent of their gross annual revenues from the provision of
129 such services. Entities claiming an exemption from licensure
130 under this paragraph must provide documentation demonstrating
131 compliance.

132 (l) Orthotic or prosthetic clinical facilities that are a
133 publicly traded corporation or that are wholly owned, directly
134 or indirectly, by a publicly traded corporation. As used in this
135 paragraph, a publicly traded corporation is a corporation that
136 issues securities traded on an exchange registered with the
137 United States Securities and Exchange Commission as a national
138 securities exchange.

139 (m) Entities that are owned by a corporation that has \$250
140 million or more in total annual sales of health care services
141 provided by licensed health care practitioners where one or more
142 of the owners is a health care practitioner who is licensed in
143 this state and who is responsible for supervising the business
144 activities of the entity and is legally responsible for the
145 entity's compliance with state law for purposes of this part.

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146 (n) Entities that employ 50 or more licensed health care
147 practitioners licensed under chapter 458 or chapter 459 where
148 the billing for medical services is under a single tax
149 identification number. The application for exemption under this
150 subsection shall contain information that includes: the name,
151 residence, and business address and phone number of the entity
152 that owns the practice; a complete list of the names and contact
153 information of all the officers and directors of the
154 corporation; the name, residence address, business address, and
155 medical license number of each licensed Florida health care
156 practitioner employed by the entity; the corporate tax
157 identification number of the entity seeking an exemption; a
158 listing of health care services to be provided by the entity at
159 the health care clinics owned or operated by the entity and a
160 certified statement prepared by an independent certified public
161 accountant which states that the entity and the health care
162 clinics owned or operated by the entity have not received
163 payment for health care services under personal injury
164 protection insurance coverage for the preceding year. If the
165 agency determines that an entity which is exempt under this
166 subsection has received payments for medical services under
167 personal injury protection insurance coverage, the agency may
168 deny or revoke the exemption from licensure under this
169 subsection.

170

171 Notwithstanding this subsection, an entity shall be deemed a
172 clinic and must be licensed under this part in order to receive
173 reimbursement under the Florida Motor Vehicle No-Fault Law, ss.
174 627.730-627.7405, unless exempted under s. 627.736(5) (h) or

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175 under this subsection as a provider certified under 42 C.F.R.
176 part 485, subpart H, before June 30, 2014. However, if a single
177 legal entity owns clinics certified under 42 C.F.R. part 485,
178 subpart H, which are exempted under this provision, the
179 exemption extends after June 30, 2014, to other clinics
180 certified under 42 C.F.R. part 485, subpart H, which are owned
181 by that entity.

182 Section 2. This act shall take effect July 1, 2013.