

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	_____	(Y/N)
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

1 Committee/Subcommittee hearing bill: Health & Human Services
2 Committee

3 Representative Fasano offered the following:

Amendment (with title amendment)

6 Between lines 131 and 132, insert:

7 Section 7. Section 893.0552, Florida Statutes, is created
8 to read:

9 893.0552 Preemption of regulation.—All regulation of the
10 licensure, activity, and operation of the following is preempted
11 to the state: pharmacies and pharmacists as defined in s.
12 465.003, health care facilities as defined in s. 408.07, and
13 pain-management clinics as defined in ss. 458.3265 and 459.0137
14 that employ a physician who has completed a fellowship in pain
15 medicine approved by the Accreditation Council for Graduate
16 Medical Education or the American Osteopathic Association or who
17 is board-certified in pain medicine by the American Board of
18 Pain Medicine or a board approved by the American Board of
19 Medical Specialties, the American Association of Physician

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20 Specialists, Inc., or the American Osteopathic Association, and
21 who performs interventional pain procedures of the type
22 routinely billed using surgical codes, provided that the
23 physician's license has never been suspended or revoked for
24 prescribing a controlled substance listed in Schedule II or
25 Schedule III of s. 893.03 in excessive or inappropriate
26 quantities not in the best interest of the patient.
27 Notwithstanding this section, this preemption does not prohibit
28 a local government or political subdivision from enacting an
29 ordinance regarding local business taxes adopted pursuant to
30 chapter 205 and land use development regulations adopted
31 pursuant to chapter 163. A pain-management clinic that employs a
32 physician who performs procedures as described in this section
33 is a permissible use in a land use or zoning category that
34 permits hospitals, health care facilities, or clinics as defined
35 in chapter 395 or s. 408.07.

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38 **T I T L E A M E N D M E N T**

39 Remove line 21 and insert:

40 controlled substance to a patient; creating s.
41 893.0552, F.S.; providing for preemption to the state
42 of all regulation of the licensure, activity, and
43 operation of pharmacies, pharmacists, health care
44 facilities, and pain-management clinics; providing an
45 exception; providing an