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LEGISLATIVE ACTION

Senate	.	House
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Senator Galvano moved the following:

Senate Amendment (with title amendment)

Delete lines 1219 - 1249

and insert:

Section 31. Subsection (4) of section 400.9905, Florida Statutes, is amended to read:

400.9905 Definitions.—

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



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14 (a) Entities licensed or registered by the state under
15 chapter 395; entities licensed or registered by the state and
16 providing only health care services within the scope of services
17 authorized under their respective licenses under ss. 383.30-
18 383.335, chapter 390, chapter 394, chapter 397, this chapter
19 except part X, chapter 429, chapter 463, chapter 465, chapter
20 466, chapter 478, part I of chapter 483, chapter 484, or chapter
21 651; end-stage renal disease providers authorized under 42
22 C.F.R. part 405, subpart U; providers certified under 42 C.F.R.
23 part 485, subpart B or subpart H; or any entity that provides
24 neonatal or pediatric hospital-based health care services or
25 other health care services by licensed practitioners solely
26 within a hospital licensed under chapter 395.

27 (b) Entities that own, directly or indirectly, entities
28 licensed or registered by the state pursuant to chapter 395;
29 entities that own, directly or indirectly, entities licensed or
30 registered by the state and providing only health care services
31 within the scope of services authorized pursuant to their
32 respective licenses under ss. 383.30-383.335, chapter 390,
33 chapter 394, chapter 397, this chapter except part X, chapter
34 429, chapter 463, chapter 465, chapter 466, chapter 478, part I
35 of chapter 483, chapter 484, or chapter 651; end-stage renal
36 disease providers authorized under 42 C.F.R. part 405, subpart
37 U; providers certified under 42 C.F.R. part 485, subpart B or
38 subpart H; or any entity that provides neonatal or pediatric
39 hospital-based health care services by licensed practitioners
40 solely within a hospital licensed under chapter 395.

41 (c) Entities that are owned, directly or indirectly, by an
42 entity licensed or registered by the state pursuant to chapter



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43 395; entities that are owned, directly or indirectly, by an
44 entity licensed or registered by the state and providing only
45 health care services within the scope of services authorized
46 pursuant to their respective licenses under ss. 383.30-383.335,
47 chapter 390, chapter 394, chapter 397, this chapter except part
48 X, chapter 429, chapter 463, chapter 465, chapter 466, chapter
49 478, part I of chapter 483, chapter 484, or chapter 651; end-
50 stage renal disease providers authorized under 42 C.F.R. part
51 405, subpart U; providers certified under 42 C.F.R. part 485,
52 subpart B or subpart H; or any entity that provides neonatal or
53 pediatric hospital-based health care services by licensed
54 practitioners solely within a hospital under chapter 395.

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

70 (e) An entity that is exempt from federal taxation under 26
71 U.S.C. s. 501(c)(3) or (4), an employee stock ownership plan



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72 under 26 U.S.C. s. 409 that has a board of trustees at least
73 two-thirds of which are Florida-licensed health care
74 practitioners and provides only physical therapy services under
75 physician orders, any community college or university clinic,
76 and any entity owned or operated by the federal or state
77 government, including agencies, subdivisions, or municipalities
78 thereof.

79 (f) A sole proprietorship, group practice, partnership, or
80 corporation that provides health care services by physicians
81 covered by s. 627.419, that is directly supervised by one or
82 more of such physicians, and that is wholly owned by one or more
83 of those physicians or by a physician and the spouse, parent,
84 child, or sibling of that physician.

85 (g) A sole proprietorship, group practice, partnership, or
86 corporation that provides health care services by licensed
87 health care practitioners under chapter 457, chapter 458,
88 chapter 459, chapter 460, chapter 461, chapter 462, chapter 463,
89 chapter 466, chapter 467, chapter 480, chapter 484, chapter 486,
90 chapter 490, chapter 491, or part I, part III, part X, part
91 XIII, or part XIV of chapter 468, or s. 464.012, and that is
92 wholly owned by one or more licensed health care practitioners,
93 or the licensed health care practitioners set forth in this
94 paragraph and the spouse, parent, child, or sibling of a
95 licensed health care practitioner if one of the owners who is a
96 licensed health care practitioner is supervising the business
97 activities and is legally responsible for the entity's
98 compliance with all federal and state laws. However, a health
99 care practitioner may not supervise services beyond the scope of
100 the practitioner's license, except that, for the purposes of



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101 this part, a clinic owned by a licensee in s. 456.053(3) (b)
102 which provides only services authorized pursuant to s.
103 456.053(3) (b) may be supervised by a licensee specified in s.
104 456.053(3) (b) .

105 (h) Clinical facilities affiliated with an accredited
106 medical school at which training is provided for medical
107 students, residents, or fellows.

108 (i) Entities that provide only oncology or radiation
109 therapy services by physicians licensed under chapter 458 or
110 chapter 459 or entities that provide oncology or radiation
111 therapy services by physicians licensed under chapter 458 or
112 chapter 459 which are owned by a corporation whose shares are
113 publicly traded on a recognized stock exchange.

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

117 (k) Entities that provide licensed practitioners to staff
118 emergency departments or to deliver anesthesia services in
119 facilities licensed under chapter 395 and that derive at least
120 90 percent of their gross annual revenues from the provision of
121 such services. Entities claiming an exemption from licensure
122 under this paragraph must provide documentation demonstrating
123 compliance.

124 (l) Orthotic, ~~or~~ prosthetic, pediatric cardiology, or
125 perinatology clinical facilities or anesthesia clinical
126 facilities that are not otherwise exempt under paragraph (a) or
127 paragraph (k) and that are a publicly traded corporation or that
128 are wholly owned, directly or indirectly, by a publicly traded
129 corporation. As used in this paragraph, a publicly traded



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130 corporation is a corporation that issues securities traded on an
131 exchange registered with the United States Securities and
132 Exchange Commission as a national securities exchange.

133 (m) Entities that are owned by a corporation that has \$250
134 million or more in total annual sales of health care services
135 provided by licensed health care practitioners if at least one
136 ~~where one or more~~ of the persons responsible for the operation
137 of the entity owners is a health care practitioner who is
138 licensed in this state and who is responsible for supervising
139 the business activities of the entity and is legally responsible
140 for the entity's compliance with state law for purposes of this
141 part.

142 (n) Entities that employ 50 or more licensed health care
143 practitioners licensed under chapter 458 or chapter 459 where
144 the billing for medical services is under a single tax
145 identification number. The application for exemption under this
146 subsection shall contain information that includes: the name,
147 residence, and business address and phone number of the entity
148 that owns the practice; a complete list of the names and contact
149 information of all the officers and directors of the
150 corporation; the name, residence address, business address, and
151 medical license number of each licensed Florida health care
152 practitioner employed by the entity; the corporate tax
153 identification number of the entity seeking an exemption; a
154 listing of health care services to be provided by the entity at
155 the health care clinics owned or operated by the entity and a
156 certified statement prepared by an independent certified public
157 accountant which states that the entity and the health care
158 clinics owned or operated by the entity have not received



159 payment for health care services under personal injury
160 protection insurance coverage for the preceding year. If the
161 agency determines that an entity which is exempt under this
162 subsection has received payments for medical services under
163 personal injury protection insurance coverage, the agency may
164 deny or revoke the exemption from licensure under this
165 subsection.

166
167 Notwithstanding this subsection, an entity shall be deemed a
168 clinic and must be licensed under this part in order to receive
169 reimbursement under the Florida Motor Vehicle No-Fault Law, ss.
170 627.730-627.7405, unless exempted under s. 627.736(5) (h) or
171 under this subsection as a provider certified under 42 C.F.R.
172 part 485, subpart H, before June 30, 2014. However, if a single
173 legal entity owns clinics certified under 42 C.F.R. part 485,
174 subpart H, which are exempt under this provision, the exemption
175 extends after June 30, 2014, to other clinics certified under 42
176 C.F.R. part 485, subpart H, which are owned by that entity.

177
178 ===== T I T L E A M E N D M E N T =====

179 And the title is amended as follows:

180 Delete lines 121 - 122

181 and insert:

182 licensure; amending s. 400.9905, F.S.; revising a
183 definition; clarifying provisions to exempt certain
184 clinics that receive reimbursement under the Florida
185 Motor Vehicle No-Fault Law from licensure requirements
186 in this state if they hold specific federal
187 certification; extending the exemption to clinics that



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are owned by certain entities; amending s. 400.9935,
F.S.; revising