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LEGISLATIVE ACTION

Senate

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House

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Floor: WD/2R

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04/30/2014 02:00 PM

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Senator Soto moved the following:

**Senate Amendment (with title amendment)**

Between lines 146 and 147

insert:

Section 4. 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



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12 not include and the licensure requirements of this part do not  
13 apply to:

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 an ~~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 an ~~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.



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41 (c) Entities that are owned, directly or indirectly, by an  
42 entity licensed or registered by the state pursuant to chapter  
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 an ~~any~~ entity that provides neonatal  
53 or 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 an ~~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.



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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  
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, a ~~any~~ community college or university clinic,  
76 and an ~~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



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99 care practitioner may not supervise services beyond the scope of  
100 the practitioner's license, except that, for the purposes of  
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, 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 are



128 wholly owned, directly or indirectly, by a publicly traded  
129 corporation. As used in this paragraph, a publicly traded  
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 where one or more  
136 of the persons responsible for the operations of the entity is a  
137 health care practitioner who is licensed in this state and who  
138 is responsible for supervising the business activities of the  
139 entity and is responsible for the entity's compliance with state  
140 law for purposes of this part.

141 (n) Entities that employ 50 or more licensed health care  
142 practitioners licensed under chapter 458 or chapter 459 where  
143 the billing for medical services is under a single tax  
144 identification number. The application for exemption under this  
145 subsection must ~~shall~~ contain information that includes: the  
146 name, residence, and business address and phone number of the  
147 entity that owns the practice; a complete list of the names and  
148 contact information of all the officers and directors of the  
149 corporation; the name, residence address, business address, and  
150 medical license number of each licensed Florida health care  
151 practitioner employed by the entity; the corporate tax  
152 identification number of the entity seeking an exemption; a  
153 listing of health care services to be provided by the entity at  
154 the health care clinics owned or operated by the entity and a  
155 certified statement prepared by an independent certified public  
156 accountant which states that the entity and the health care



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157 clinics owned or operated by the entity have not received  
158 payment for health care services under personal injury  
159 protection insurance coverage for the preceding year. If the  
160 agency determines that an entity which is exempt under this  
161 subsection has received payments for medical services under  
162 personal injury protection insurance coverage, the agency may  
163 deny or revoke the exemption from licensure under this  
164 subsection.

165  
166 Notwithstanding this subsection, an entity shall be deemed a  
167 clinic and must be licensed under this part in order to receive  
168 reimbursement under the Florida Motor Vehicle No-Fault Law, ss.  
169 627.730-627.7405, unless exempted under s. 627.736(5)(h) or, as  
170 a provider certified pursuant to 42 C.F.R. part 485, subpart H,  
171 exempted under this subsection before July 1, 2014. However, if  
172 a single legal entity owned a clinic that is exempt under this  
173 subsection before July 1, 2014, the exemption extends beyond  
174 that date to other clinics owned by that entity which are  
175 certified under 42 C.F.R. part 485, subpart H.

176  
177 ===== T I T L E A M E N D M E N T =====

178 And the title is amended as follows:

179 Delete line 22

180 and insert:

181 expiration; amending s. 400.9905, F.S.; exempting  
182 certain federally certified clinics from licensure;  
183 providing an effective date.