

By the Committee on Health Policy; and Senator Sobel

588-02460-14

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1 A bill to be entitled
2 An act relating to the Health Care Clinic Act;
3 amending s. 400.9905, F.S.; redefining the term
4 "clinic"; amending s. 400.9935, F.S.; clarifying that
5 a clinic that employs a physician whose license is
6 suspended or revoked is subject to administrative and
7 criminal penalties; providing an effective date.

8
9 Be It Enacted by the Legislature of the State of Florida:

10
11 Section 1. Subsection (4) of section 400.9905, Florida
12 Statutes, is amended to read:

13 400.9905 Definitions.—

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

20 (a) Entities licensed or registered by the state under
21 chapter 395; entities licensed or registered by the state and
22 providing only health care services within the scope of services
23 authorized under their respective licenses under ss. 383.30-
24 383.335, chapter 390, chapter 394, chapter 397, this chapter
25 except part X, chapter 429, chapter 463, chapter 465, chapter
26 466, chapter 478, part I of chapter 483, chapter 484, or chapter
27 651; end-stage renal disease providers authorized under 42
28 C.F.R. part 405, subpart U; providers certified under 42 C.F.R.
29 part 485, subpart B or subpart H; or an ~~any~~ entity that provides

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30 neonatal or pediatric hospital-based health care services or
31 other health care services by licensed practitioners solely
32 within a hospital licensed under chapter 395.

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

47 (c) Entities that are owned, directly or indirectly, by an
48 entity licensed or registered by the state pursuant to chapter
49 395; entities that are owned, directly or indirectly, by an
50 entity licensed or registered by the state and providing only
51 health care services within the scope of services authorized
52 pursuant to their respective licenses under ss. 383.30-383.335,
53 chapter 390, chapter 394, chapter 397, this chapter except part
54 X, chapter 429, chapter 463, chapter 465, chapter 466, chapter
55 478, part I of chapter 483, chapter 484, or chapter 651; end-
56 stage renal disease providers authorized under 42 C.F.R. part
57 405, subpart U; providers certified under 42 C.F.R. part 485,
58 subpart B or subpart H; or an ~~any~~ entity that provides neonatal

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59 or pediatric hospital-based health care services by licensed
60 practitioners solely within a hospital under chapter 395.

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

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

85 (f) A sole proprietorship, group practice, partnership, or
86 corporation that provides health care services by physicians
87 covered by s. 627.419, that is directly supervised by one or

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88 more of such physicians, and that is wholly owned by one or more
89 of those physicians or by a physician and the spouse, parent,
90 child, or sibling of that physician.

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

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

114 (i) Entities that provide only oncology or radiation
115 therapy services by physicians licensed under chapter 458 or
116 chapter 459 or entities that provide oncology or radiation

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117 therapy services by physicians licensed under chapter 458 or
118 chapter 459 which are owned by a corporation whose shares are
119 publicly traded on a recognized stock exchange.

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

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

130 (l) Orthotic, prosthetic, pediatric cardiology, or
131 perinatology clinical facilities or anesthesia clinical
132 facilities that are not otherwise exempt under paragraph (a) or
133 paragraph (k) and that are a publicly traded corporation or are
134 wholly owned, directly or indirectly, by a publicly traded
135 corporation. As used in this paragraph, a publicly traded
136 corporation is a corporation that issues securities traded on an
137 exchange registered with the United States Securities and
138 Exchange Commission as a national 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 persons responsible for the operations of the entity is a
143 health care practitioner who is licensed in this state and who
144 is responsible for supervising the business activities of the
145 entity and is responsible for the entity's compliance with state

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146 law for purposes of this part.

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

171
172 Notwithstanding this subsection, an entity shall be deemed a
173 clinic and must be licensed under this part in order to receive
174 reimbursement under the Florida Motor Vehicle No-Fault Law, ss.

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175 627.730-627.7405, unless exempted under s. 627.736(5)(h).

176 Section 2. Paragraph (b) of subsection (1) of section
177 400.9935, Florida Statutes, is amended to read:

178 400.9935 Clinic responsibilities.—

179 (1) Each clinic shall appoint a medical director or clinic
180 director who shall agree in writing to accept legal
181 responsibility for the following activities on behalf of the
182 clinic. The medical director or the clinic director shall:

183 (b) Ensure that all practitioners providing health care
184 services or supplies to patients maintain a current active and
185 unencumbered Florida license. If an inspection or investigation
186 reveals that a clinic hired or continued to employ, directly or
187 contractually, a physician whose license is suspended or
188 revoked, the clinic is subject to the administrative penalties
189 specified in s. 400.995 and applicable criminal penalties.

190 Section 3. This act shall take effect July 1, 2014.