

By the Committees on Criminal Justice; and Health Policy; and  
Senator Sobel

591-03095-14

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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. 400.995, F.S.; providing that a  
5           clinic is subject to penalties if it engages  
6           physicians whose licenses have been suspended or  
7           revoked; providing an effective date.

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

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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. Present subsection (6) of section 400.995,  
177 Florida Statutes, is renumbered as subsection (7), and a new  
178 subsection (6) is added to that section, to read:

179 400.995 Agency administrative penalties.—

180 (6) A clinic is subject to additional inspections,  
181 administrative penalties, licensure suspension or revocation,  
182 applicable criminal penalties, or any combination of the above  
183 if:

184 (a) An inspection or investigation reveals that the clinic  
185 hired or continues to directly or contractually engage a  
186 physician whose license is suspended or revoked; or

187 (b) The licenses of two or more physicians have been  
188 suspended or revoked as a consequence of the physicians' actions  
189 while engaged by the clinic.

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