

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

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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"; exempting certain federally certified
5 clinics from licensure under the act; amending s.
6 400.995, F.S.; providing that a clinic is subject to
7 penalties if it engages physicians whose licenses have
8 been suspended or revoked; providing an effective
9 date.

10
11 Be It Enacted by the Legislature of the State of Florida:

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

15 400.9905 Definitions.—

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

22 (a) Entities licensed or registered by the state under
23 chapter 395; entities licensed or registered by the state and
24 providing only health care services within the scope of services
25 authorized under their respective licenses under ss. 383.30-
26 383.335, chapter 390, chapter 394, chapter 397, this chapter
27 except part X, chapter 429, chapter 463, chapter 465, chapter
28 466, chapter 478, part I of chapter 483, chapter 484, or chapter
29 651; end-stage renal disease providers authorized under 42

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30 C.F.R. part 405, subpart U; providers certified under 42 C.F.R.
31 part 485, subpart B or subpart H; or an ~~any~~ entity that provides
32 neonatal or pediatric hospital-based health care services or
33 other health care services by licensed practitioners solely
34 within a hospital licensed under chapter 395.

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

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

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59 405, subpart U; providers certified under 42 C.F.R. part 485,
60 subpart B or subpart H; or an ~~any~~ entity that provides neonatal
61 or pediatric hospital-based health care services by licensed
62 practitioners solely within a hospital under chapter 395.

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

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

87 (f) A sole proprietorship, group practice, partnership, or

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88 corporation that provides health care services by physicians
89 covered by s. 627.419, that is directly supervised by one or
90 more of such physicians, and that is wholly owned by one or more
91 of those physicians or by a physician and the spouse, parent,
92 child, or sibling of that physician.

93 (g) A sole proprietorship, group practice, partnership, or
94 corporation that provides health care services by licensed
95 health care practitioners under chapter 457, chapter 458,
96 chapter 459, chapter 460, chapter 461, chapter 462, chapter 463,
97 chapter 466, chapter 467, chapter 480, chapter 484, chapter 486,
98 chapter 490, chapter 491, or part I, part III, part X, part
99 XIII, or part XIV of chapter 468, or s. 464.012, and that is
100 wholly owned by one or more licensed health care practitioners,
101 or the licensed health care practitioners set forth in this
102 paragraph and the spouse, parent, child, or sibling of a
103 licensed health care practitioner if one of the owners who is a
104 licensed health care practitioner is supervising the business
105 activities and is legally responsible for the entity's
106 compliance with all federal and state laws. However, a health
107 care practitioner may not supervise services beyond the scope of
108 the practitioner's license, except that, for the purposes of
109 this part, a clinic owned by a licensee in s. 456.053(3)(b)
110 which provides only services authorized pursuant to s.
111 456.053(3)(b) may be supervised by a licensee specified in s.
112 456.053(3)(b).

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

116 (i) Entities that provide only oncology or radiation

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117 therapy services by physicians licensed under chapter 458 or
118 chapter 459 or entities that provide oncology or radiation
119 therapy services by physicians licensed under chapter 458 or
120 chapter 459 which are owned by a corporation whose shares are
121 publicly traded on a recognized stock exchange.

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

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

132 (l) Orthotic, prosthetic, pediatric cardiology, or
133 perinatology clinical facilities or anesthesia clinical
134 facilities that are not otherwise exempt under paragraph (a) or
135 paragraph (k) and that are a publicly traded corporation or are
136 wholly owned, directly or indirectly, by a publicly traded
137 corporation. As used in this paragraph, a publicly traded
138 corporation is a corporation that issues securities traded on an
139 exchange registered with the United States Securities and
140 Exchange Commission as a national securities exchange.

141 (m) Entities that are owned by a corporation that has \$250
142 million or more in total annual sales of health care services
143 provided by licensed health care practitioners where one or more
144 of the persons responsible for the operations of the entity is a
145 health care practitioner who is licensed in this state and who

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146 is responsible for supervising the business activities of the
147 entity and is responsible for the entity's compliance with state
148 law for purposes of this part.

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

173
174 Notwithstanding this subsection, an entity shall be deemed a

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175 clinic and must be licensed under this part in order to receive
176 reimbursement under the Florida Motor Vehicle No-Fault Law, ss.
177 627.730-627.7405, unless exempted under s. 627.736(5)(h) or, as
178 a provider certified pursuant to 42 C.F.R. part 485, subpart H,
179 exempted under this subsection before July 1, 2014. However, if
180 a single legal entity owned a clinic that is exempt under this
181 subsection before July 1, 2014, the exemption extends beyond
182 that date to other clinics owned by that entity which are
183 certified under 42 C.F.R. part 485, subpart H.

184 Section 2. Present subsection (6) of section 400.995,
185 Florida Statutes, is renumbered as subsection (7), and a new
186 subsection (6) is added to that section, to read:

187 400.995 Agency administrative penalties.—

188 (6) A clinic is subject to additional inspections,
189 administrative penalties, licensure suspension or revocation,
190 applicable criminal penalties, or any combination of the above
191 if:

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

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

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