

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. 400.991, F.S.; redefining the  
5           term "applicant"; defining the term "convicted";  
6           prohibiting applicants for clinic licensure from  
7           having an arrest awaiting final disposition for, or  
8           having been convicted of, a felony or crime punishable  
9           by a specified minimum term of imprisonment; requiring  
10          the Agency for Health Care Administration to deny an  
11          application for a clinic license or license renewal  
12          from an applicant who has been found by a state or  
13          federal regulatory agency or court to have committed  
14          an act that resulted in the suspension or revocation  
15          of a clinic license; amending s. 400.995, F.S.;  
16          providing that a licensed clinic is subject to a  
17          specified administrative penalty if its medical  
18          director or clinic director fails to ensure that  
19          practitioners providing health care services or  
20          supplies to patients have a valid license; amending s.  
21          627.736, F.S.; exempting certain federally certified  
22          clinics from the requirement of being licensed under  
23          the act in order to receive reimbursement under the  
24          Florida Motor Vehicle No-Fault Law; reenacting ss.  
25          400.991(2), 400.9935(6), 480.0475(1)(a), and  
26          817.234(8)(c), F.S., to incorporate the amendment made

27 to s. 400.9905, F.S., in references thereto; providing  
 28 an effective date.

29

30 Be It Enacted by the Legislature of the State of Florida:

31

32 Section 1. Subsection (4) of section 400.9905, Florida  
 33 Statutes, is amended to read:

34 400.9905 Definitions.—

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

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

53 other health care services by licensed practitioners solely  
54 within a hospital licensed under chapter 395.

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

69 (c) Entities that are owned, directly or indirectly, by an  
70 entity licensed or registered by the state pursuant to chapter  
71 395; entities that are owned, directly or indirectly, by an  
72 entity licensed or registered by the state and providing only  
73 health care services within the scope of services authorized  
74 pursuant to their respective licenses under ss. 383.30-383.335,  
75 chapter 390, chapter 394, chapter 397, this chapter except part  
76 X, chapter 429, chapter 463, chapter 465, chapter 466, chapter  
77 478, part I of chapter 483, chapter 484, or chapter 651; end-  
78 stage renal disease providers authorized under 42 C.F.R. part

79 405, subpart U; providers certified under 42 C.F.R. part 485,  
80 subpart B or subpart H; or an ~~any~~ entity that provides neonatal  
81 or pediatric hospital-based health care services by licensed  
82 practitioners solely within a hospital licensed under chapter  
83 395.

84 (d) Entities that are under common ownership, directly or  
85 indirectly, with an entity licensed or registered by the state  
86 pursuant to chapter 395; entities that are under common  
87 ownership, directly or indirectly, with an entity licensed or  
88 registered by the state and providing only health care services  
89 within the scope of services authorized pursuant to their  
90 respective licenses under ss. 383.30-383.335, chapter 390,  
91 chapter 394, chapter 397, this chapter except part X, chapter  
92 429, chapter 463, chapter 465, chapter 466, chapter 478, part I  
93 of chapter 483, chapter 484, or chapter 651; end-stage renal  
94 disease providers authorized under 42 C.F.R. part 405, subpart  
95 U; providers certified under 42 C.F.R. part 485, subpart B or  
96 subpart H; or an ~~any~~ entity that provides neonatal or pediatric  
97 hospital-based health care services by licensed practitioners  
98 solely within a hospital licensed under chapter 395.

99 (e) An entity that is exempt from federal taxation under  
100 26 U.S.C. s. 501(c)(3) or (4), an employee stock ownership plan  
101 under 26 U.S.C. s. 409 that has a board of trustees at least  
102 two-thirds of which are Florida-licensed health care  
103 practitioners and provides only physical therapy services under  
104 physician orders, a ~~any~~ community college or university clinic,

105 and an ~~any~~ entity owned or operated by the federal or state  
106 government, including agencies, subdivisions, or municipalities  
107 thereof.

108 (f) A sole proprietorship, group practice, partnership, or  
109 corporation that provides health care services by physicians  
110 covered by s. 627.419, that is directly supervised by one or  
111 more of such physicians, and that is wholly owned by one or more  
112 of those physicians or by a physician and the spouse, parent,  
113 child, or sibling of that physician.

114 (g) A sole proprietorship, group practice, partnership, or  
115 corporation that provides health care services by licensed  
116 health care practitioners under chapter 457, chapter 458,  
117 chapter 459, chapter 460, chapter 461, chapter 462, chapter 463,  
118 chapter 466, chapter 467, chapter 480, chapter 484, chapter 486,  
119 chapter 490, chapter 491, or part I, part III, part X, part  
120 XIII, or part XIV of chapter 468, or s. 464.012, and that is  
121 wholly owned by one or more licensed health care practitioners,  
122 or the licensed health care practitioners set forth in this  
123 paragraph and the spouse, parent, child, or sibling of a  
124 licensed health care practitioner if one of the owners who is a  
125 licensed health care practitioner is supervising the business  
126 activities and is legally responsible for the entity's  
127 compliance with all federal and state laws. However, a health  
128 care practitioner may not supervise services beyond the scope of  
129 the practitioner's license, except that, for the purposes of  
130 this part, a clinic owned by a licensee in s. 456.053(3)(b)

131 which provides only services authorized pursuant to s.  
 132 456.053(3)(b) may be supervised by a licensee specified in s.  
 133 456.053(3)(b).

134 (h) Clinical facilities affiliated with an accredited  
 135 medical school at which training is provided for medical  
 136 students, residents, or fellows.

137 (i) Entities that provide only oncology or radiation  
 138 therapy services by physicians licensed under chapter 458 or  
 139 chapter 459 or entities that provide oncology or radiation  
 140 therapy services by physicians licensed under chapter 458 or  
 141 chapter 459 which are owned by a corporation whose shares are  
 142 publicly traded on a recognized stock exchange.

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

146 (k) Entities that provide licensed practitioners to staff  
 147 emergency departments or to deliver anesthesia services in  
 148 facilities licensed under chapter 395 and that derive at least  
 149 90 percent of their gross annual revenues from the provision of  
 150 such services. Entities claiming an exemption from licensure  
 151 under this paragraph must provide documentation demonstrating  
 152 compliance.

153 (l) Orthotic, prosthetic, pediatric cardiology, or  
 154 perinatology clinical facilities or anesthesia clinical  
 155 facilities that are not otherwise exempt under paragraph (a) or  
 156 paragraph (k) and that are a publicly traded corporation or are

157 wholly owned, directly or indirectly, by a publicly traded  
158 corporation. As used in this paragraph, a publicly traded  
159 corporation is a corporation that issues securities traded on an  
160 exchange registered with the United States Securities and  
161 Exchange Commission as a national securities exchange.

162 (m) Entities that are owned by a corporation that has \$250  
163 million or more in total annual sales of health care services  
164 provided by licensed health care practitioners where one or more  
165 of the persons responsible for the operations of the entity is a  
166 health care practitioner who is licensed in this state and who  
167 is responsible for supervising the business activities of the  
168 entity and is responsible for the entity's compliance with state  
169 law for purposes of this part.

170 (n) Entities that employ 50 or more licensed health care  
171 practitioners licensed under chapter 458 or chapter 459 where  
172 the billing for medical services is under a single tax  
173 identification number. The application for exemption under this  
174 subsection must ~~shall~~ contain information that includes: the  
175 name, residence, and business address and phone number of the  
176 entity that owns the practice; a complete list of the names and  
177 contact information of all the officers and directors of the  
178 corporation; the name, residence address, business address, and  
179 medical license number of each licensed Florida health care  
180 practitioner employed by the entity; the corporate tax  
181 identification number of the entity seeking an exemption; a  
182 listing of health care services to be provided by the entity at

183 the health care clinics owned or operated by the entity and a  
 184 certified statement prepared by an independent certified public  
 185 accountant which states that the entity and the health care  
 186 clinics owned or operated by the entity have not received  
 187 payment for health care services under personal injury  
 188 protection insurance coverage for the preceding year. If the  
 189 agency determines that an entity which is exempt under this  
 190 subsection has received payments for medical services under  
 191 personal injury protection insurance coverage, the agency may  
 192 deny or revoke the exemption from licensure under this  
 193 subsection.

194  
 195 Notwithstanding this subsection, an entity shall be deemed a  
 196 clinic and must be licensed under this part in order to receive  
 197 reimbursement under the Florida Motor Vehicle No-Fault Law, ss.  
 198 627.730-627.7405, unless exempted under s. 627.736(5)(h).

199 Section 2. Paragraphs (a) and (b) of subsection (5) of  
 200 section 400.991, Florida Statutes, are amended, present  
 201 subsection (6) of that section is redesignated as subsection  
 202 (7), and a new subsection (6) is added to that section, to read:

203 400.991 License requirements; background screenings;  
 204 prohibitions.—

205 (5) (a) As used in this subsection and subsection (6), the  
 206 term:

207 1. "Applicant" means an individual who owns or controls  
 208 ~~individuals owning or controlling, directly or indirectly, any~~ 5

209 ~~percent or more of an~~ interest in a clinic; the medical or  
210 clinic director, ~~or a similarly titled individual person~~ who is  
211 responsible for the day-to-day operation of the licensed clinic;  
212 the financial officer or similarly titled individual who is  
213 responsible for the financial operation of the clinic; and a  
214 licensed health care practitioner ~~practitioners~~ at the clinic.

215 2. "Convicted" means a finding of guilt, regardless of  
216 adjudication, the acceptance of a plea of nolo contendere or  
217 guilty by a court, or an adjudication of delinquency if the  
218 record has not been sealed or expunged.

219 (b) The agency shall require level 2 background screening  
220 for applicants and personnel as required in s. 408.809(1)(e)  
221 pursuant to chapter 435 and s. 408.809. In addition to the  
222 disqualifying offenses listed in ss. 435.04 and 408.809, an  
223 applicant may not have an arrest awaiting final disposition for,  
224 or have been convicted of, a felony or a crime punishable by  
225 imprisonment of 1 year or more under state or federal law or the  
226 law of any other country.

227 (6) The agency shall deny the application for a clinic  
228 license or clinic license renewal by an applicant who has been  
229 previously found by a state or federal regulatory agency or  
230 court to have committed an act that resulted in the suspension  
231 or revocation of a clinic license or its equivalent.

232 Section 3. Subsection (4) of section 400.995, Florida  
233 Statutes, is amended to read:

234 400.995 Agency administrative penalties.—

235           (4) A Any licensed clinic shall be subject to an  
 236 administrative fine of \$5,000 per day if its:

237           (a) whose Owner, medical director, or clinic director  
 238 concurrently operates an unlicensed clinic ~~shall be subject to~~  
 239 ~~an administrative fine of \$5,000 per day.~~

240           (b) Medical director or clinic director violates s.  
 241 400.9935(1) (b).

242           Section 4. Paragraph (h) of subsection (5) of section  
 243 627.736, Florida Statutes, is amended to read:

244           627.736 Required personal injury protection benefits;  
 245 exclusions; priority; claims.—

246           (5) CHARGES FOR TREATMENT OF INJURED PERSONS.—

247           (h) As provided in s. 400.9905, an entity excluded from  
 248 the definition of a clinic shall be deemed a clinic and must be  
 249 licensed under part X of chapter 400 in order to receive  
 250 reimbursement under ss. 627.730-627.7405. However, this  
 251 licensing requirement does not apply to:

252           1. An entity wholly owned by a physician licensed under  
 253 chapter 458 or chapter 459, or by the physician and the spouse,  
 254 parent, child, or sibling of the physician;

255           2. An entity wholly owned by a dentist licensed under  
 256 chapter 466, or by the dentist and the spouse, parent, child, or  
 257 sibling of the dentist;

258           3. An entity wholly owned by a chiropractic physician  
 259 licensed under chapter 460, or by the chiropractic physician and  
 260 the spouse, parent, child, or sibling of the chiropractic

261 physician;

262 4. A hospital or ambulatory surgical center licensed under  
263 chapter 395;

264 5. An entity that wholly owns or is wholly owned, directly  
265 or indirectly, by a hospital or hospitals licensed under chapter  
266 395; ~~or~~

267 6. An entity that is a clinical facility affiliated with  
268 an accredited medical school at which training is provided for  
269 medical students, residents, or fellows; or-

270 7. An entity that is certified under 42 C.F.R. part 485,  
271 subpart H.

272 Section 5. Subsection (2) of s. 400.991, subsection (6) of  
273 s. 400.9935, paragraph (a) of subsection (1) of 480.0475, and  
274 paragraph (c) of subsection (8) of s. 817.234, Florida Statutes,  
275 are reenacted for the purpose of incorporating the amendment  
276 made by this act to s. 400.9905, Florida Statutes, in references  
277 thereto.

278 Section 6. This act shall take effect July 1, 2015.