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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
01/11/2016	.	
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The Committee on Health Policy (Sobel) recommended the following:

Senate Amendment (with title amendment)

Between lines 116 and 117

insert:

Section 2. Subsection (4) of section 400.9905, Florida Statutes, is amended to read:

400.9905 Definitions.—

(4) "Clinic" means an entity, including a mobile clinic and a portable equipment provider, which provides ~~where~~ health care services ~~are provided~~ to individuals and which receives



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11 remuneration or tenders charges for reimbursement for such
12 services, including a mobile clinic and a portable equipment
13 provider. As used in this part, the term does not include and
14 the licensure requirements of this part do not apply to:

15 (a) Entities licensed or registered by the state under
16 chapter 395; entities licensed or registered by the state and
17 providing only health care services within the scope of services
18 authorized under their respective licenses under ss. 383.30-
19 383.335, chapter 390, chapter 394, chapter 397, this chapter
20 except part X, chapter 429, chapter 463, chapter 465, chapter
21 466, chapter 478, part I of chapter 483, chapter 484, or chapter
22 651; end-stage renal disease providers authorized under 42
23 C.F.R. part 405, subpart U; providers certified under 42 C.F.R.
24 part 485, subpart B or subpart H; or an ~~any~~ entity that provides
25 neonatal or pediatric hospital-based health care services or
26 other health care services by licensed practitioners solely
27 within a hospital licensed under chapter 395.

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



40 hospital-based health care services by licensed practitioners
41 solely within a hospital licensed under chapter 395.

42 (c) Entities that are owned, directly or indirectly, by an
43 entity licensed or registered by the state pursuant to chapter
44 395; entities that are owned, directly or indirectly, by an
45 entity licensed or registered by the state and providing only
46 health care services within the scope of services authorized
47 pursuant to their respective licenses under ss. 383.30-383.335,
48 chapter 390, chapter 394, chapter 397, this chapter except part
49 X, chapter 429, chapter 463, chapter 465, chapter 466, chapter
50 478, part I of chapter 483, chapter 484, or chapter 651; end-
51 stage renal disease providers authorized under 42 C.F.R. part
52 405, subpart U; providers certified under 42 C.F.R. part 485,
53 subpart B or subpart H; or an ~~any~~ entity that provides neonatal
54 or pediatric hospital-based health care services by licensed
55 practitioners solely within a hospital licensed under chapter
56 395.

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



69 subpart H; or an ~~any~~ entity that provides neonatal or pediatric
70 hospital-based health care services by licensed practitioners
71 solely within a hospital licensed under chapter 395.

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

81 (f) A sole proprietorship, group practice, partnership, or
82 corporation that provides health care services by physicians
83 covered by s. 627.419, that is directly supervised by one or
84 more of such physicians, and that is wholly owned by one or more
85 of those physicians or by a physician and the spouse, parent,
86 child, or sibling of that physician.

87 (g) A sole proprietorship, group practice, partnership, or
88 corporation that provides health care services by licensed
89 health care practitioners under chapter 457, chapter 458,
90 chapter 459, chapter 460, chapter 461, chapter 462, chapter 463,
91 chapter 466, chapter 467, chapter 480, chapter 484, chapter 486,
92 chapter 490, chapter 491, or part I, part III, part X, part
93 XIII, or part XIV of chapter 468, or s. 464.012, and that is
94 wholly owned by one or more licensed health care practitioners,
95 or the licensed health care practitioners set forth in this
96 paragraph and the spouse, parent, child, or sibling of a
97 licensed health care practitioner if one of the owners who is a



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98 licensed health care practitioner is supervising the business
99 activities and is legally responsible for the entity's
100 compliance with all federal and state laws. However, a health
101 care practitioner may not supervise services beyond the scope of
102 the practitioner's license, except that, for the purposes of
103 this part, a clinic owned by a licensee in s. 456.053(3)(b)
104 which provides only services authorized pursuant to s.
105 456.053(3)(b) may be supervised by a licensee specified in s.
106 456.053(3)(b).

107 (h) Clinical facilities affiliated with an accredited
108 medical school at which training is provided for medical
109 students, residents, or fellows.

110 (i) Entities that provide only oncology or radiation
111 therapy services by physicians licensed under chapter 458 or
112 chapter 459 or entities that provide oncology or radiation
113 therapy services by physicians licensed under chapter 458 or
114 chapter 459 which are owned by a corporation whose shares are
115 publicly traded on a recognized stock exchange.

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

119 (k) Entities that provide licensed practitioners to staff
120 emergency departments or to deliver anesthesia services in
121 facilities licensed under chapter 395 and that derive at least
122 90 percent of their gross annual revenues from the provision of
123 such services. Entities claiming an exemption from licensure
124 under this paragraph must provide documentation demonstrating
125 compliance.

126 (l) Orthotic, prosthetic, pediatric cardiology, or



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127 perinatology clinical facilities or anesthesia clinical
128 facilities that are not otherwise exempt under paragraph (a) or
129 paragraph (k) and that are a publicly traded corporation or are
130 wholly owned, directly or indirectly, by a publicly traded
131 corporation. As used in this paragraph, a publicly traded
132 corporation is a corporation that issues securities traded on an
133 exchange registered with the United States Securities and
134 Exchange Commission as a national securities exchange.

135 (m) Entities that are owned by a corporation that has \$250
136 million or more in total annual sales of health care services
137 provided by licensed health care practitioners where one or more
138 of the persons responsible for the operations of the entity is a
139 health care practitioner who is licensed in this state and who
140 is responsible for supervising the business activities of the
141 entity and is responsible for the entity's compliance with state
142 law for purposes of this part.

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



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

167
168 Notwithstanding this subsection, an entity shall be deemed
169 a clinic and must be licensed under this part in order to
170 receive reimbursement under the Florida Motor Vehicle No-Fault
171 Law, ss. 627.730-627.7405, unless exempted under s.
172 627.736(5)(h).

173 Section 3. Paragraphs (a) and (b) of subsection (5) of
174 section 400.991, Florida Statutes, are amended, present
175 subsection (6) of that section is redesignated as subsection
176 (7), and a new subsection (6) is added to that section, to read:

177 400.991 License requirements; background screenings;
178 prohibitions.-

179 (5)(a) As used in this subsection and subsection (6), the
180 term:

181 1. "Applicant" means an individual who owns or controls
182 ~~individuals owning or controlling~~, directly or indirectly, any 5
183 ~~percent or more of an~~ interest in a clinic; the medical or
184 clinic director, or a similarly titled individual ~~person~~ who is



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185 responsible for the day-to-day operation of the licensed clinic;
186 the financial officer or similarly titled individual who is
187 responsible for the financial operation of the clinic; and a
188 licensed health care practitioner ~~practitioners~~ at the clinic.

189 2. "Convicted" means a finding of guilt, regardless of
190 adjudication, the acceptance of a plea of nolo contendere or
191 guilty by a court, or an adjudication of delinquency if the
192 record has not been sealed or expunged.

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

201 (6) The agency shall deny the application for a health care
202 clinic license or license renewal by an applicant who has been
203 previously found by a state or federal regulatory agency or
204 court to have committed an act that resulted in the suspension
205 or revocation of a health care clinic license or its equivalent.

206 Section 4. Subsection (4) of section 400.995, Florida
207 Statutes, is amended to read:

208 400.995 Agency administrative penalties.—

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

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



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214 (b) Medical director or clinic director violates s.
215 400.9935(1) (b) .

216 Section 5. Subsection (2) of s. 400.991, subsection (6) of
217 s. 400.9935, paragraph (a) of subsection (1) of s. 480.0475, and
218 paragraph (c) of subsection (8) of s. 817.234, Florida Statutes,
219 are reenacted for the purpose of incorporating the amendment
220 made by this act to s. 400.9905, Florida Statutes, in references
221 thereto.

222
223 ===== T I T L E A M E N D M E N T =====

224 And the title is amended as follows:

225 Delete line 6

226 and insert:

227 courses; amending s. 400.9905, F.S.; redefining the
228 term "clinic"; amending s. 400.991, F.S.; redefining
229 the term "applicant"; defining the term "convicted";
230 prohibiting applicants for clinic licensure from
231 having an arrest awaiting final disposition for, or
232 having been convicted of, a felony or crime punishable
233 by a specified term of imprisonment; requiring the
234 Agency for Health Care Administration to deny an
235 application for a clinic license or license renewal
236 from an applicant who has been found by a state or
237 federal regulatory agency or court to have committed
238 an act that resulted in the suspension or revocation
239 of a clinic license; amending s. 400.995, F.S.;

240 providing that a licensed clinic is subject to a
241 specified administrative penalty if its medical
242 director or clinic director fails to ensure that a



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243 practitioner providing health care services or
244 supplies to a patient has a valid license; reenacting
245 ss. 400.991(2), 400.9935(6), 480.0475(1)(a), and
246 817.234(8)(c), F.S., to incorporate the amendment made
247 to s. 400.9905, F.S., in references thereto; amending
248 s. 456.013, F.S.; revising course