

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u>    </u>	(Y/N)
ADOPTED AS AMENDED	<u>    </u>	(Y/N)
ADOPTED W/O OBJECTION	<u>    </u>	(Y/N)
FAILED TO ADOPT	<u>    </u>	(Y/N)
WITHDRAWN	<u>    </u>	(Y/N)
OTHER	<u>    </u>	

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1 Committee/Subcommittee hearing bill: Health Quality  
2 Subcommittee

3 Representative Rodriguez, A. offered the following:

4

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

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

9 400.9905 Definitions.—

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

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17 (a) Entities licensed or registered by the state under  
18 chapter 395; entities licensed or registered by the state and  
19 providing only health care services within the scope of services  
20 authorized under their respective licenses under ss. 383.30-  
21 383.332, chapter 390, chapter 394, chapter 397, this chapter  
22 except part X, chapter 429, chapter 463, chapter 465, chapter  
23 466, chapter 478, chapter 484, or chapter 651; end-stage renal  
24 disease providers authorized under 42 C.F.R. part 405, subpart  
25 U; providers certified under 42 C.F.R. part 485, subpart B or  
26 subpart H; or any entity that provides neonatal or pediatric  
27 hospital-based health care services or other health care  
28 services by licensed practitioners solely within a hospital  
29 licensed under chapter 395.

30 (b) Entities that own, directly or indirectly, entities  
31 licensed or registered by the state pursuant to chapter 395;  
32 entities that own, directly or indirectly, entities licensed or  
33 registered by the state and providing only health care services  
34 within the scope of services authorized pursuant to their  
35 respective licenses under ss. 383.30-383.332, chapter 390,  
36 chapter 394, chapter 397, this chapter except part X, chapter  
37 429, chapter 463, chapter 465, chapter 466, chapter 478, chapter  
38 484, or chapter 651; end-stage renal disease providers  
39 authorized under 42 C.F.R. part 405, subpart U; providers  
40 certified under 42 C.F.R. part 485, subpart B or subpart H; or  
41 any entity that provides neonatal or pediatric hospital-based

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42 health care services by licensed practitioners solely within a  
43 hospital licensed under chapter 395.

44 (c) Entities that are owned, directly or indirectly, by an  
45 entity licensed or registered by the state pursuant to chapter  
46 395; entities that are owned, directly or indirectly, by an  
47 entity licensed or registered by the state and providing only  
48 health care services within the scope of services authorized  
49 pursuant to their respective licenses under ss. 383.30-383.332,  
50 chapter 390, chapter 394, chapter 397, this chapter except part  
51 X, chapter 429, chapter 463, chapter 465, chapter 466, chapter  
52 478, chapter 484, or chapter 651; end-stage renal disease  
53 providers authorized under 42 C.F.R. part 405, subpart U;  
54 providers certified under 42 C.F.R. part 485, subpart B or  
55 subpart H; or any entity that provides neonatal or pediatric  
56 hospital-based health care services by licensed practitioners  
57 solely within a hospital under chapter 395.

58 (d) Entities that are under common ownership, directly or  
59 indirectly, with an entity licensed or registered by the state  
60 pursuant to chapter 395; entities that are under common  
61 ownership, directly or indirectly, with an entity licensed or  
62 registered by the state and providing only health care services  
63 within the scope of services authorized pursuant to their  
64 respective licenses under ss. 383.30-383.332, chapter 390,  
65 chapter 394, chapter 397, this chapter except part X, chapter  
66 429, chapter 463, chapter 465, chapter 466, chapter 478, chapter

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67 484, or chapter 651; end-stage renal disease providers  
68 authorized under 42 C.F.R. part 405, subpart U; providers  
69 certified under 42 C.F.R. part 485, subpart B or subpart H; or  
70 any entity that provides neonatal or pediatric hospital-based  
71 health care services by licensed practitioners solely within a  
72 hospital licensed under chapter 395.

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

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

88 (g) A sole proprietorship, group practice, partnership, or  
89 corporation that provides health care services by licensed  
90 health care practitioners under chapter 457, chapter 458,  
91 chapter 459, chapter 460, chapter 461, chapter 462, chapter 463,

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

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

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

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

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

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

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

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142 entity and is responsible for the entity's compliance with state  
143 law for purposes of this part.

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

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166 deny or revoke the exemption from licensure under this  
167 subsection.

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

173 Section 2. Subsection (4) of section 400.991, Florida  
174 Statutes, is amended to read:

175 400.991 License requirements; background screenings;  
176 prohibitions.—

177 (4) In addition to the requirements of part II of chapter  
178 408, the applicant must file with the application satisfactory  
179 proof that the clinic is in compliance with this part and  
180 applicable rules, including:

181 (a) A listing of services to be provided either directly  
182 by the applicant or through contractual arrangements with  
183 existing providers;

184 (b) The number and discipline of each professional staff  
185 member to be employed; ~~and~~

186 (c) Proof of financial ability to operate as required  
187 under s. 408.810(8). As an alternative to submitting proof of  
188 financial ability to operate as required under s. 408.810(8),  
189 the applicant may file a surety bond of at least \$500,000 which  
190 guarantees that the clinic will act in full conformity with all

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191 legal requirements for operating a clinic, payable to the  
192 agency. The agency may adopt rules to specify related  
193 requirements for such surety bond; and

194 (d) Proof that the clinic maintains the financial  
195 responsibility in the manner set forth in s. 458.320(2) or s.  
196 459.0085(2), as applicable, to pay claims and costs ancillary  
197 thereto arising out of the rendering of or the failure to render  
198 medical care and services, for physicians and osteopathic  
199 physicians who perform liposuction procedures in which more than  
200 1,000 cubic centimeters of supernatant fat is removed, Level II  
201 office surgery, or Level III office surgery as those terms are  
202 defined in ss. 458.305(8) and 459.003(9), in an office setting.

203 Section 3. Paragraph (j) is added to subsection (1) of  
204 section 400.9935, Florida Statutes, to read:

205 400.9935 Clinic responsibilities.—

206 (1) Each clinic shall appoint a medical director or clinic  
207 director who shall agree in writing to accept legal  
208 responsibility for the following activities on behalf of the  
209 clinic. The medical director or the clinic director shall:

210 (j) If the clinic is registered with the department to  
211 perform office surgery, ensure that the clinic complies with the  
212 standards of practice for office surgery adopted by rule under  
213 ss. 458.309(4) and 459.005(3).

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

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216 400.995 Agency administrative penalties.—

217 (4) Any licensed clinic whose owner, medical director, or  
218 clinic director concurrently operates an unlicensed clinic or a  
219 clinic that is not registered with the department where any  
220 liposuction procedure in which more than 1,000 cubic centimeters  
221 of supernatant fat is removed or where any Level II office  
222 surgery or Level III office surgery, as those terms are defined  
223 in ss. 458.305(8) and 459.003(9), is performed, is ~~shall be~~  
224 subject to an administrative fine of \$5,000 per day.

225 Section 5. Subsection (12) is added to section 456.004,  
226 Florida Statutes, to read:

227 456.004 Department; powers and duties.—The department, for  
228 the professions under its jurisdiction, shall:

229 (12) Deny or revoke the registration of, or impose any  
230 penalty set forth in s. 456.072(2) against, any facility where  
231 office surgery, as defined in ss. 458.305(8) and 459.003(9), is  
232 performed for failure of any of its physicians, owners, or  
233 operators to comply with rules adopted under ss. 458.309(3) and  
234 459.005(2). Section 456.073 applies to enforcement actions  
235 brought against such facilities. If a facility's registration is  
236 revoked, the department may deny any person named in the  
237 registration documents of the facility, including the persons  
238 who own or operate the facility, individually or as part of a  
239 group, from registering a facility to perform surgical

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240 procedures pursuant to s. 458.309(3) or s. 459.005(2) for 5  
241 years after the revocation date.

242 Section 6. Subsection (6) is added to section 456.074,  
243 Florida Statutes, to read:

244 456.074 Certain health care practitioners; immediate  
245 suspension of license.—

246 (6) The department may issue an emergency order suspending  
247 or restricting the registration of a facility in which  
248 liposuction procedures in which more than 1,000 cubic  
249 centimeters of supernatant fat is removed, Level II office  
250 surgery, or Level III office surgery as those terms are defined  
251 in ss. 458.305(8) and 459.003(9), are performed upon a finding  
252 of probable cause that the facility or its surgeons are not in  
253 compliance with the standards of practice for office surgery  
254 adopted by the boards pursuant to s. 458.309(4) or s.  
255 459.005(3), as applicable, or are in violation of s.  
256 458.331(1)(v) or s. 459.015(1)(z) and that such noncompliance  
257 constitutes an immediate danger to the public.

258 Section 7. Section 458.305, Florida Statutes, is amended  
259 to read:

260 458.305 Definitions.—As used in this chapter, the term:

261 (1) "Board" means the Board of Medicine.

262 (2) "Deep sedation and analgesia" means a drug-induced  
263 depression of consciousness during which all of the following  
264 apply:

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265 (a) The patient cannot be easily aroused but responds by  
266 purposefully following repeated or painful stimulation.

267 (b) The patient's ability to independently maintain  
268 ventilatory function may be impaired.

269 (c) The patient may require assistance in maintaining a  
270 patent airway, and spontaneous ventilation may be inadequate.

271 (d) The patient's cardiovascular function is usually  
272 maintained.

273 (e) The patient's reflex withdrawal from painful stimulus  
274 is not considered a purposeful response.

275 (3)-(2) "Department" means the Department of Health.

276 (4) "Epidural anesthesia" means anesthesia produced by the  
277 injection of an anesthetic agent into the space on or around the  
278 dura mater of the spinal cord.

279 (5) "General anesthesia" means a drug-induced loss of  
280 consciousness administered by a qualified general anesthesia  
281 provider during which all of the following apply:

282 (a) The patient is not able to be aroused, even by painful  
283 stimulation.

284 (b) The patient's ability to independently maintain  
285 ventilatory function is often impaired.

286 (c) The patient has a level of depressed neuromuscular  
287 function.

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288 (d) The patient may require assistance in maintaining a  
289 patent airway, and positive pressure ventilation may be  
290 required.

291 (e) The patient's cardiovascular function may be impaired.

292 (6) "Minimal sedation" means a drug-induced state during  
293 which patients respond normally to verbal commands. Although  
294 cognitive function and physical coordination may be impaired,  
295 airway reflexes and respiratory and cardiovascular functions are  
296 unaffected.

297 (7) "Moderate sedation and analgesia" or "conscious  
298 sedation" means drug-induced depression of consciousness and a  
299 state of consciousness during which all of the following apply:

300 (a) The patient responds purposefully to verbal commands,  
301 either alone or accompanied by light tactile stimulation.

302 (b) Interventions are not required to maintain a patent  
303 airway, and spontaneous ventilation is adequate.

304 (c) Cardiovascular function is maintained.

305 (d) Reflex withdrawal from a painful stimulus is not  
306 considered a purposeful response.

307 (8) "Office surgery" means a surgery that is performed in  
308 a physician's office or any facility that is not licensed under  
309 chapter 390 or chapter 395.

310 (a) "Level I office surgery" includes any surgery that  
311 consists of only minor procedures and in which anesthesia is  
312 limited to minimal sedation.

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313 (b) "Level II office surgery" includes any surgery in  
314 which the patient's level of sedation is that of moderate  
315 sedation and analgesia or conscious sedation.

316 (c) "Level III office surgery" includes any surgery in  
317 which the patient's level of sedation is that of deep sedation  
318 and analgesia or general anesthesia. The term includes any  
319 surgery that includes the use of spinal anesthesia or epidural  
320 anesthesia.

321 (10)~~(3)~~ "Practice of medicine" means the diagnosis,  
322 treatment, operation, or prescription for any human disease,  
323 pain, injury, deformity, or other physical or mental condition.

324 (11) "Spinal anesthesia" means anesthesia produced by the  
325 injection of an anesthetic agent into the subarachnoid space of  
326 the spinal cord.

327 (12) "Surgeon" means a physician who performs surgery.

328 (13) "Surgery" means any manual or operative procedure,  
329 including the use of lasers, performed upon the body of a living  
330 human being for the purposes of preserving health, diagnosing or  
331 curing disease, repairing injury, correcting deformity or  
332 defects, prolonging life, or relieving suffering or any elective  
333 procedure for aesthetic, reconstructive, or cosmetic purposes,  
334 including, but not limited to: incision or curettage of tissue  
335 or an organ; suture or other repair of tissue or organ,  
336 including a closed as well as an open reduction of a fracture;  
337 extraction of tissue including premature extraction of the

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338 products of conception from the uterus; insertion of natural or  
339 artificial implants; or an endoscopic procedure with use of  
340 local or general anesthetic.

341 ~~(9)-(4)~~ "Physician" means a person who is licensed to  
342 practice medicine in this state.

343 Section 8. Subsection (3) of section 458.309, Florida  
344 Statutes, is amended and subsection (4) is added to that  
345 section, to read:

346 458.309 Rulemaking authority.—

347 (3) A physician who performs any liposuction procedure  
348 ~~procedures~~ in which more than 1,000 cubic centimeters of  
349 supernatant fat is removed, any Level II office surgery level 2  
350 ~~procedures lasting more than 5 minutes, or any Level III office~~  
351 surgery and all level 3 surgical procedures in an office setting  
352 must register the office with the department unless that office  
353 is licensed as a facility under chapter 395. The department  
354 shall inspect the physician's office annually unless the office  
355 is accredited by a nationally recognized accrediting agency or  
356 an accrediting organization ~~subsequently~~ approved by the Board  
357 of Medicine. The actual costs for registration and inspection or  
358 accreditation shall be paid by the person seeking to register  
359 and operate the office setting in which office surgery is  
360 performed. As a condition of registration, a physician who  
361 performs such surgical procedures in an office setting, and the  
362 office itself if it is a separate legal entity from the

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363 physician, must maintain the same levels of financial  
364 responsibility required in s. 458.320.

365 (4) The department may adopt rules to administer the  
366 registration, inspection, and safety of offices in which a  
367 physician performs office surgery. The board shall adopt by rule  
368 standards of practice for physicians who perform office surgery.  
369 The board shall impose a fine of \$5,000 per day on a physician  
370 who performs a surgical procedure identified in subsection (3)  
371 in an office that is not registered with the department.

372 Section 9. Paragraph (vv) is added to subsection (1) of  
373 section 458.331, Florida Statutes, to read:

374 458.331 Grounds for disciplinary action; action by the  
375 board and department.—

376 (1) The following acts constitute grounds for denial of a  
377 license or disciplinary action, as specified in s. 456.072(2):

378 (vv) Performing a liposuction procedure in which more than  
379 1,000 cubic centimeters of supernatant fat is removed, a Level  
380 II office surgery, or a Level III office surgery in an office  
381 that is not registered with the department pursuant to s.  
382 458.309(3).

383 Section 10. Section 459.003, Florida Statutes, is amended  
384 to read:

385 459.003 Definitions.—As used in this chapter, the term:

386 (1) "Board" means the Board of Osteopathic Medicine.

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387       (2) "Deep sedation and analgesia" means a drug-induced  
388 depression of consciousness during which all of the following  
389 apply:

390       (a) The patient cannot be easily aroused but responds by  
391 purposefully following repeated or painful stimulation.

392       (b) The patient's ability to independently maintain  
393 ventilatory function may be impaired.

394       (c) The patient may require assistance in maintaining a  
395 patent airway, and spontaneous ventilation may be inadequate.

396       (d) The patient's cardiovascular function is usually  
397 maintained.

398       (e) The patient's reflex withdrawal from painful stimulus  
399 is not considered a purposeful response.

400       (3)-(2) "Department" means the Department of Health.

401       (5) "Epidural anesthesia" means anesthesia produced by the  
402 injection of an anesthetic agent into the space on or around the  
403 dura mater of the spinal cord.

404       (6) "General anesthesia" means a drug-induced loss of  
405 consciousness administered by a qualified general anesthesia  
406 provider during which all of the following apply:

407       (a) The patient is not able to be aroused, even by painful  
408 stimulation.

409       (b) The patient's ability to independently maintain  
410 ventilatory function is often impaired.

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411 (c) The patient has a level of depressed neuromuscular  
412 function.

413 (d) The patient may require assistance in maintaining a  
414 patent airway, and positive pressure ventilation may be  
415 required.

416 (e) The patient's cardiovascular function may be impaired.

417 (7) "Minimal sedation" means a drug-induced state during  
418 which patients respond normally to verbal commands. Although  
419 cognitive function and physical coordination may be impaired,  
420 airway reflexes, and respiratory and cardiovascular functions  
421 are unaffected.

422 (8) "Moderate sedation and analgesia" or "conscious  
423 sedation" means drug-induced depression of consciousness and a  
424 state of consciousness during which all of the following apply:

425 (a) The patient responds purposefully to verbal commands,  
426 either alone or accompanied by light tactile stimulation.

427 (b) Interventions are not required to maintain a patent  
428 airway, and spontaneous ventilation is adequate.

429 (c) Cardiovascular function is maintained.

430 (d) Reflex withdrawal from a painful stimulus is not  
431 considered a purposeful response.

432 (9) "Office surgery" means a surgery that is performed in  
433 a physician's office or any facility that is not licensed under  
434 chapter 390 or chapter 395.

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435 (a) "Level I office surgery" includes any surgery that  
436 consists of only minor procedures and in which anesthesia is  
437 limited to minimal sedation.

438 (b) "Level II office surgery" includes any surgery in  
439 which the patient's level of sedation is that of moderate  
440 sedation and analgesia or conscious sedation.

441 (c) "Level III office surgery" includes any surgery in  
442 which the patient's level of sedation is that of deep sedation  
443 and analgesia or general anesthesia. The term includes any  
444 surgery that includes the use of spinal anesthesia or epidural  
445 anesthesia.

446 (11)~~(3)~~ "Practice of osteopathic medicine" means the  
447 diagnosis, treatment, operation, or prescription for any human  
448 disease, pain, injury, deformity, or other physical or mental  
449 condition, which practice is based in part upon educational  
450 standards and requirements which emphasize the importance of the  
451 musculoskeletal structure and manipulative therapy in the  
452 maintenance and restoration of health.

453 (12) "Spinal anesthesia" means anesthesia produced by the  
454 injection of an anesthetic agent into the subarachnoid space of  
455 the spinal cord.

456 (13) "Surgeon" means a physician who performs surgery.

457 (14) "Surgery" means any manual or operative procedure,  
458 including the use of lasers, performed upon the body of a living  
459 human being for the purposes of preserving health, diagnosing or

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460 curing disease, repairing injury, correcting deformity or  
461 defects, prolonging life, or relieving suffering or any elective  
462 procedure for aesthetic, reconstructive, or cosmetic purposes,  
463 including, but not limited to: incision or curettage of tissue  
464 or an organ; suture or other repair of tissue or organ,  
465 including a closed as well as an open reduction of a fracture;  
466 extraction of tissue including premature extraction of the  
467 products of conception from the uterus; insertion of natural or  
468 artificial implants; or an endoscopic procedure with use of  
469 local or general anesthetic.

470 ~~(10)~~(4) "Osteopathic physician" means a person who is  
471 licensed to practice osteopathic medicine in this state.

472 ~~(4)~~(5) "Doctor of Osteopathy" and "Doctor of Osteopathic  
473 Medicine," when referring to degrees, shall be construed to be  
474 equivalent and equal degrees.

475 Section 11. Subsection (2) of section 459.005, Florida  
476 Statutes, is amended and subsection (3) is added to that  
477 section, to read:

478 459.005 Rulemaking authority.—

479 (2) A physician who performs any liposuction procedure  
480 ~~procedures~~ in which more than 1,000 cubic centimeters of  
481 supernatant fat is removed, any Level II office surgery level 2  
482 ~~procedures lasting more than 5 minutes, or any Level III office~~  
483 surgery and all level 3 surgical procedures in an office setting  
484 must register the office with the department unless that office

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485 is licensed as a facility under chapter 395. The department  
486 shall inspect the physician's office annually unless the office  
487 is accredited by a nationally recognized accrediting agency or  
488 an accrediting organization ~~subsequently~~ approved by the Board  
489 of Osteopathic Medicine. The actual costs for registration and  
490 inspection or accreditation shall be paid by the person seeking  
491 to register and operate the office setting in which office  
492 surgery is performed. As a condition of registration, a  
493 physician who performs such surgical procedures in an office  
494 setting, and the office itself if it is a separate legal entity  
495 from the physician, must maintain the same levels of financial  
496 responsibility required in s. 459.0085.

497 (3) The department may adopt rules to administer the  
498 registration, inspection, and safety of offices in which a  
499 physician performs office surgery. The board shall adopt by rule  
500 standards of practice for physicians who perform office surgery.  
501 The board shall impose a fine of \$5,000 per day on a physician  
502 who performs a surgical procedure identified in subsection (2)  
503 in an office that is not registered with the department.

504 Section 12. Paragraph (xx) is added to subsection (1) of  
505 section 459.015, Florida Statutes, to read:

506 459.015 Grounds for disciplinary action; action by the  
507 board and department.—

508 (1) The following acts constitute grounds for denial of a  
509 license or disciplinary action, as specified in s. 456.072(2):

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510 (xx) Performing a liposuction procedure in which more than  
511 1,000 cubic centimeters of supernatant fat is removed, a Level  
512 II office surgery, or a Level III office surgery in an office  
513 that is not registered with the department pursuant to s.  
514 459.005(2).

515 Section 13. Paragraph (a) of subsection (1) of section  
516 766.101, Florida Statutes, is amended to read:

517 766.101 Medical review committee, immunity from  
518 liability.—

519 (1) As used in this section:

520 (a) The term "medical review committee" or "committee"  
521 means:

522 1.a. A committee of a hospital or ambulatory surgical  
523 center licensed under chapter 395 or a health maintenance  
524 organization certificated under part I of chapter 641;

525 b. A committee of a physician-hospital organization, a  
526 provider-sponsored organization, or an integrated delivery  
527 system;

528 c. A committee of a state or local professional society of  
529 health care providers;

530 d. A committee of a medical staff of a licensed hospital  
531 or nursing home, provided the medical staff operates pursuant to  
532 written bylaws that have been approved by the governing board of  
533 the hospital or nursing home;

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534 e. A committee of the Department of Corrections or the  
535 Correctional Medical Authority as created under s. 945.602, or  
536 employees, agents, or consultants of either the department or  
537 the authority or both;

538 f. A committee of a professional service corporation  
539 formed under chapter 621 or a corporation organized under part I  
540 of chapter 607 or chapter 617, which is formed and operated for  
541 the practice of medicine as defined in s. 458.305 ~~s. 458.305(3)~~,  
542 and which has at least 25 health care providers who routinely  
543 provide health care services directly to patients;

544 g. A committee of the Department of Children and Families  
545 which includes employees, agents, or consultants to the  
546 department as deemed necessary to provide peer review,  
547 utilization review, and mortality review of treatment services  
548 provided pursuant to chapters 394, 397, and 916;

549 h. A committee of a mental health treatment facility  
550 licensed under chapter 394 or a community mental health center  
551 as defined in s. 394.907, provided the quality assurance program  
552 operates pursuant to the guidelines that have been approved by  
553 the governing board of the agency;

554 i. A committee of a substance abuse treatment and  
555 education prevention program licensed under chapter 397 provided  
556 the quality assurance program operates pursuant to the  
557 guidelines that have been approved by the governing board of the  
558 agency;

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559 j. A peer review or utilization review committee organized  
560 under chapter 440;

561 k. A committee of the Department of Health, a county  
562 health department, healthy start coalition, or certified rural  
563 health network, when reviewing quality of care, or employees of  
564 these entities when reviewing mortality records; or

565 1. A continuous quality improvement committee of a  
566 pharmacy licensed pursuant to chapter 465,  
567  
568 which committee is formed to evaluate and improve the quality of  
569 health care rendered by providers of health service, to  
570 determine that health services rendered were professionally  
571 indicated or were performed in compliance with the applicable  
572 standard of care, or that the cost of health care rendered was  
573 considered reasonable by the providers of professional health  
574 services in the area; or

575 2. A committee of an insurer, self-insurer, or joint  
576 underwriting association of medical malpractice insurance, or  
577 other persons conducting review under s. 766.106.

578 Section 14. This act shall take effect upon becoming a  
579 law.

580

581 -----

582 **T I T L E A M E N D M E N T**

583 Remove everything before the enacting clause and insert:

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584                   A bill to be entitled  
585   An act relating to clinics and office surgery; amending s.  
586   400.9905, F.S.; revising the definition of the term "clinic";  
587   amending s. 400.991, F.S.; requiring a clinic to provide proof  
588   of its financial responsibility to pay certain claims and costs  
589   along with its application for licensure to the Agency for  
590   Health Care Administration; amending s. 400.9935, F.S.;  
591   requiring a medical director or a clinic director to ensure that  
592   the clinic complies with specified rules; amending s. 400.995,  
593   F.S.; requiring the agency to impose a specified administrative  
594   fine on an unregistered clinic that performs certain office  
595   surgeries; amending s. 456.004, F.S.; requiring the Department  
596   of Health to deny or revoke the registration of or impose  
597   certain penalties against a facility where certain office  
598   surgeries are performed under certain circumstances; specifying  
599   provisions that apply enforcement actions against such  
600   facilities; authorizing the department to deny certain persons  
601   associated with an office of which the registration was revoked  
602   from registering a new office to perform certain office surgery;  
603   amending s. 456.074, F.S.; authorizing the department to issue  
604   an emergency order suspending or restricting the registration of  
605   a certain office if it makes certain findings; amending s.  
606   458.305, F.S.; defining terms; amending s. 458.309, F.S.;  
607   requiring a physician who performs certain office surgery and  
608   the office in which the surgery is performed to maintain

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609 specified levels of financial responsibility; authorizing the  
610 department to adopt rules to administer the registration,  
611 inspection, and safety of offices that perform certain office  
612 surgery; requiring the Board of Medicine to adopt rules  
613 governing the standard of care for physicians practicing in such  
614 offices; requiring the board to impose a specified fine on  
615 physicians who perform certain office surgeries in an  
616 unregistered office; amending s. 458.331, F.S.; providing that a  
617 physician performing certain office surgeries in an unregistered  
618 office constitutes grounds for denial of a license or  
619 disciplinary action; amending s. 459.003, F.S.; defining terms;  
620 amending s. 459.005, F.S.; requiring a physician who performs  
621 certain office surgery and the office in which the surgery is  
622 performed to maintain specified levels of financial  
623 responsibility; authorizing the department to adopt rules to  
624 administer the registration, inspection, and safety of offices  
625 that perform certain office surgery; requiring the Board of  
626 Osteopathic Medicine to adopt rules governing the standard of  
627 care for physicians practicing in such offices; requiring the  
628 board to impose a specified fine on physicians who perform  
629 certain office surgeries in an unregistered office; amending s.  
630 459.015, F.S.; providing that a physician performing certain  
631 office surgeries in an unregistered office constitutes grounds  
632 for denial of a license or disciplinary action; amending s.

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 933 (2019)

Amendment No.

633 | 766.101, F.S.; conforming a cross-reference; providing an  
634 | effective date