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LEGISLATIVE ACTION

Senate

House

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Floor: 7/AD/2R

04/29/2010 09:32 AM

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Senator Peaden moved the following:

**Senate Amendment (with title amendment)**

Between lines 642 and 643

insert:

Section 14. Paragraphs (f) and (g) of subsection (4) of section 400.9905, Florida Statutes, are amended to read:

400.9905 Definitions.—

(4) "Clinic" means an entity at which health care services are provided to individuals and which tenders charges for reimbursement for such services, including a mobile clinic and a portable equipment provider. For purposes of this part, the term does not include and the licensure requirements of this part do not apply to:



632200

14 (f) A sole proprietorship, group practice, partnership, ~~or~~  
15 corporation, or other legal entity that provides health care  
16 services by practitioners licensed under chapter 458, chapter  
17 459, chapter 461, chapter 466, or chapter 460 and subject to the  
18 limitations of s. 460.4167 ~~physicians covered by s. 627.419,~~  
19 that is directly supervised by one or more of such physicians or  
20 physician assistants, and that is wholly owned by one or more of  
21 those physicians or physician assistants or by a physician or  
22 physician assistant or ~~and~~ the spouse, parent, child, or sibling  
23 of that physician or physician assistant. A certificate of  
24 exemption is valid only for the entity, persons, and location  
25 for which it was originally issued.

26 1. An individual who is not a medical professional or  
27 family member listed in this paragraph may own up to 30 percent  
28 of a health care clinic entity that is exempt under this  
29 paragraph if the individual obtains prior approval from the  
30 agency for ownership of a percentage of a health care clinic.  
31 Such an individual is considered an "applicant" under s.  
32 400.991(5) and must meet all the requirements of that section  
33 and the level 2 background screening requirements of s. 408.809  
34 before being approved by the agency for ownership of a minority  
35 interest in a health care clinic.

36 2. If an individual who is not a medical professional or  
37 family member listed in this paragraph assumes ownership of an  
38 investment interest in a health care clinic without the prior  
39 approval of the agency, the health care clinic shall lose its  
40 exemption from licensure under this paragraph.

41 3. Ownership of a health care clinic by an individual other  
42 than the physician or physician assistant, or by the spouse,



632200

43 parent, child, or sibling of the physician or physician  
44 assistant to whom the exemption was granted, may not exceed 30  
45 percent.

46 (g) A sole proprietorship, group practice, partnership, or  
47 corporation that provides health care services by licensed  
48 health care practitioners under chapter 457, chapter 458,  
49 chapter 459, ~~chapter 460, chapter 461,~~ chapter 462, chapter 463,  
50 chapter 466, chapter 467, chapter 480, chapter 484, chapter 486,  
51 chapter 490, chapter 491, or part I, part III, part X, part  
52 XIII, or part XIV of chapter 468, or s. 464.012, which are  
53 wholly owned by one or more licensed health care practitioners,  
54 or the licensed health care practitioners set forth in this  
55 paragraph and the spouse, parent, child, or sibling of a  
56 licensed health care practitioner, so long as one of the owners  
57 who is a licensed health care practitioner is directly  
58 supervising health care services ~~the business activities~~ and is  
59 legally responsible for the entity's compliance with all federal  
60 and state laws. However, a health care practitioner who is a  
61 supervising owner may not supervise services beyond the scope of  
62 the practitioner's license, except that, for the purposes of  
63 this part, a clinic owned by a licensee in s. 456.053(3)(b) that  
64 provides only services authorized pursuant to s. 456.053(3)(b)  
65 may be supervised by a licensee specified in s. 456.053(3)(b). A  
66 certificate of exemption is valid only for the entity, persons,  
67 and location for which it was originally issued.

68  
69 ===== T I T L E A M E N D M E N T =====

70 And the title is amended as follows:

71 Delete line 82



632200

72 and insert:  
73       assume administrative costs for the program; amending  
74       s. 400.9905, F.S.; revising the definition of the term  
75       "clinic" applicable to the Health Care Clinic Act;  
76       providing exemptions from licensure requirements for  
77       certain legal entities that provide health care  
78       services; repealing