                    CHAMBER ACTION
            <u>Senate</u>   <u>House</u>
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11   Senator Garcia moved the following amendment:

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13   **Senate Amendment (with title amendment)**

14   On page 26, line 30, through

15   page 27, line 9, delete those lines

16

17   and insert:

18   <u>(10)</u><s>(9)</s> Any person or entity providing health care

19   services which is not a clinic <u>or specialty clinic</u>, as defined

20   under s. 400.9905, may voluntarily apply for a certificate of

21   exemption from licensure under its exempt status<u>. Other than</u>

22   <u>certificates of exemptions granted pursuant to an exemption</u>

23   <u>under s. 400.9905(4)(f), certificates of exemption shall</u>

24   <u>expire in 2 years and may be renewed.</u> <s>with the agency on a</s>

25   <s>form that sets forth its name or names and addresses, a</s>

26   <s>statement of the reasons why it cannot be defined as a clinic,</s>

27   <s>and other information deemed necessary by the agency. An</s>

28   <s>exemption is not transferable. The agency may charge an</s>

29   <s>applicant for a certificate of exemption in an amount equal to</s>

30   <s>$100 or the actual cost of processing the certificate,</s>

31   <s>whichever is less.</s>
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1   (a) The agency shall provide a form that requires the

2   name or names and addresses, a statement of the reasons why

3   the applicant is exempt from licensure as a health care clinic

4   or specialty clinic, and other information deemed necessary by

5   the agency. The signature on an application for a certificate

6   of exemption must be notarized and signed by persons having

7   knowledge of the truth of its contents. An exemption is not

8   transferable and is valid only for the reasons, location,

9   persons, and entity set forth on the application form. A

10 person or entity claiming an exemption under this part or

11 issued a current certificate of exemption must be exempt from

12 the licensing provisions of this part at all times, or such

13 claim or certificate shall be invalid from the date that such

14 person or entity is not exempt.

15   (b) The agency shall charge an applicant for a

16 certificate of exemption a fee of $100 to cover the cost of

17 processing the certificate or the actual cost of processing

18 the certificate, whichever is less.

19   (c) An application for the renewal of a certificate of

20 exemption must be submitted to the agency prior to the

21 expiration of the certificate of exemption. The agency may

22 investigate any applicant, person, or entity claiming an

23 exemption for purposes of determining compliance when a

24 certificate of exemption is sought. Authorized personnel of

25 the agency shall have access to the premises of any

26 certificateholder, applicant, or specialty clinic, other than

27 a person or entity who is exempt pursuant to s.

28 400.9905(4)(f), for the sole purpose of determining compliance

29 with an exemption under this part. The agency shall have

30 access to all billings and records indicated in s. 400.9915(2)

31 and agency rules. The agency may deny or withdraw a

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 1 certificate of exemption when a person or entity does not

 2 qualify under this part.

 3   (d) A certificate of exemption is considered withdrawn

 4 when the agency determines that an exempt status cannot be

 5 confirmed. The provisions applicable to the unlicensed

 6 operation of a health care clinic or specialty clinic apply to

 7 any health care provider that self-determines or claims an

 8 exemption or that is issued a certificate of exemption if, in

 9 fact, such clinic does not meet the exemption claimed.

10   (e) Any person or entity that submits an application

11 for a certificate of exemption which contains fraudulent or

12 material and misleading information commits a felony of the

13 third degree, punishable as provided in s. 775.082, s.

14 775.083, or s. 775.084.

15   (f) A response to a request in writing for additional

16 information or clarification must be filed with the agency no

17 later than 21 days after receipt of the request or the

18 application shall be denied.

19   (g) The agency shall grant or deny an application for

20 a certificate of exemption in accordance with s. 120.60(1).

21   (h) A person or entity that qualifies as a health care

22 clinic or specialty clinic and has been denied a certificate

23 of exemption must file an initial application and pay the fee.

24 A certificate of exemption is valid only when issued and

25 current.

26   (i) The agency shall issue an emergency order of

27 suspension of a certificate of exemption when the agency finds

28 that the applicant has provided false or misleading material

29 information or omitted any material fact from the application

30 for a certificate of exemption which is permitted or required

31 by this part, or has submitted false or misleading information

 1 to the agency when self-determining an exempt status and

 2 materially misleading the agency as to such status.

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 5 ================ T I T L E   A M E N D M E N T ===============

 6 And the title is amended as follows:

 7   On page 2, line 15, after the semicolon,

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 9 insert:

10   providing for a certificate of exemption from

11   licensure as a clinic to expire within a

12   specified period; providing for renewal of the

13   certificate of exemption; revising the

14   application procedures for a certificate of

15   exemption; providing grounds for the denial,

16   withdrawal, or emergency suspension of a

17   certificate of exemption by the Agency for

18   Health Care Administration; providing that it

19   is a third-degree felony for an applicant to

20   submit fraudulent or material and misleading

21   information to the agency;

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