



808606

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/28/2011	.	
	.	
	.	
	.	

The Committee on Health Regulation (Diaz de la Portilla)
recommended the following:

Senate Amendment

Delete lines 367 - 478
and insert:

2. The majority of the physicians who provide services in
the clinic primarily provide interventional pain-management
procedures or other surgical services;

3. The clinic is owned by a publicly held corporation whose
shares are traded on a national exchange or on the over-the-
counter market and whose total assets at the end of the
corporation's most recent fiscal quarter exceeded \$50 million;

4. The clinic is affiliated with an accredited medical



808606

13 school at which training is provided for medical students,
14 residents, or fellows; or

15 ~~5. The clinic does not prescribe or dispense controlled~~
16 ~~substances for the treatment of pain; or~~

17 ~~5.6.~~ The clinic is owned by a corporate entity exempt from
18 federal taxation under 26 U.S.C. s. 501(c)(3).

19 (b) Each clinic location shall be registered separately
20 regardless of whether the clinic is operated under the same
21 business name or management as another clinic.

22 (c) As a part of registration, a clinic must designate a
23 physician who is responsible for complying with all requirements
24 related to registration and operation of the clinic in
25 compliance with this section. Within 10 days after termination
26 of a designated physician, the clinic must notify the department
27 of the identity of another designated physician for that clinic.
28 The designated physician shall have a full, active, and
29 unencumbered license under this chapter or chapter 459 and shall
30 practice at the clinic location for which the physician has
31 assumed responsibility. Failing to have a licensed designated
32 physician practicing at the location of the registered clinic
33 may be the basis for a summary suspension of the clinic
34 registration certificate as described in s. 456.073(8) for a
35 license or s. 120.60(6).

36 (d) The department shall deny registration to any clinic
37 that is not fully owned by a physician licensed under this
38 chapter or chapter 459 or a group of physicians, each of whom is
39 licensed under this chapter or chapter 459; or that is not a
40 health care clinic licensed under part X of chapter 400.

41 (e) The department shall deny registration to any



808606

42 controlled-substance medical ~~pain-management~~ clinic owned by or
43 with any contractual or employment relationship with a
44 physician:

45 1. Whose Drug Enforcement Administration number has ever
46 been revoked.

47 2. Whose application for a license to prescribe, dispense,
48 or administer a controlled substance has been denied by any
49 jurisdiction.

50 3. Who has been convicted of or pleaded guilty or nolo
51 contendere to, regardless of adjudication, an offense that
52 constitutes a felony for receipt of illicit and diverted drugs,
53 including a controlled substance listed in Schedule I, Schedule
54 II, Schedule III, Schedule IV, or Schedule V of s. 893.03, in
55 this state, any other state, or the United States.

56 (f) If the department finds probable cause that a
57 controlled-substance medical ~~pain-management~~ clinic does not
58 meet the requirement of paragraph (d) or is owned, directly or
59 indirectly, by a person meeting any criteria listed in paragraph
60 (e), the department shall revoke the certificate of registration
61 previously issued by the department. As determined by rule, the
62 department may grant an exemption to denying a registration or
63 revoking a previously issued registration if more than 10 years
64 have elapsed since adjudication. As used in this subsection, the
65 term "convicted" includes an adjudication of guilt following a
66 plea of guilty or nolo contendere or the forfeiture of a bond
67 when charged with a crime.

68 (g) The department may revoke the clinic's certificate of
69 registration and prohibit all physicians associated with that
70 controlled-substance medical ~~pain-management~~ clinic from



808606

71 practicing at that clinic location based upon an annual
72 inspection and evaluation of the factors described in subsection
73 (3) and upon a final determination by the probable cause panel
74 of the appropriate board that any physician associated with that
75 controlled-substance medical clinic knew or should have known of
76 any violations of the factors described in subsection (3).

77 (h) 1. If the registration of a controlled-substance medical
78 pain-management clinic is revoked or suspended, the designated
79 physician of the controlled-substance medical pain-management
80 clinic, the owner or lessor of the controlled-substance medical
81 pain-management clinic property, the manager, and the proprietor
82 shall cease to operate the facility as a controlled-substance
83 medical pain-management clinic as of the effective date of the
84 suspension or revocation.

85 2. Notwithstanding subparagraph 1., the clinic's
86 registration shall not be revoked or suspended if the clinic,
87 within 24 hours after notification of suspension or revocation,
88 appoints another designated physician who has a full, active,
89 and unencumbered license under this chapter or chapter 459 to
90 operate a controlled-substance medical clinic.

91 (i) If a controlled-substance medical pain-management
92 clinic registration is revoked or suspended, the designated
93 physician of the controlled-substance medical pain-management
94 clinic, the owner or lessor of the clinic property, the manager,
95 or the proprietor is responsible for removing all signs and
96 symbols identifying the premises as a controlled-substance
97 medical pain-management clinic.

98 (j) Upon the effective date of the suspension or
99 revocation, the designated physician of the controlled-substance



808606

100 medical ~~pain-management~~ clinic shall advise the department of
101 the disposition of the medicinal drugs located on the premises.
102 The disposition is subject to the supervision and approval of
103 the department. Medicinal drugs that are purchased or held by a
104 controlled-substance medical ~~pain-management~~ clinic that is not
105 registered may be deemed adulterated pursuant to s. 499.006.

106 (k) If the clinic's registration is revoked, any person
107 named in the registration documents of the controlled-substance
108 medical ~~pain-management~~ clinic, including persons owning or
109 operating the controlled-substance medical ~~pain-management~~
110 clinic, may not, as an individual or as a part of a group, apply
111 to operate a controlled-substance medical ~~pain-management~~ clinic
112 for 5 years after the date the registration is revoked upon a
113 finding of probable cause, and an opportunity to be heard, that
114 the persons operating such clinic knew or should have known of
115 the violations causing such revocation.