

## **First Impressions Can Be Expensive: 5 Violations Inspectors Can Find As They Walk Through the Door**

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On **July 1, 2011**, HB7095 governing pain management clinics went into effect. This bill was praised by Governor Rick Scott as “the beginning of the end of Florida’s infamous role as the nation’s Pill Mill Capital” and Florida Attorney General, Pam Bondi, said this legislation will make “significant strides in ridding Florida of unscrupulous doctors and pill mills.” This strong language is an indicator of the State’s seriousness in enforcing violations of the new laws. For Pain Management Clinics, the new law carries penalties of **\$5,000 per violation!**

When State Inspectors visit your clinic and before they exchange opening words with your staff, there are **FIVE** possible violations that can be cited. At \$5,000 per violation, that amounts to a potential fine of **\$25,000** without looking at a single medical record, looking at your clinic practices, or reviewing your infection control and quality assurance plans.

### The Five Violations

Under the law, registered pain management clinics must:

**1. Display on a sign visible to the public the name of the clinic, the hours of operation, and a street address.**

The law does not specify the dimensions or the distance from which members of the public must be able to view the sign. Therefore, it is within the clinic’s discretion to determine what type of sign is posted, a large marquis sign or a letter on the door. When determining what type of sign to use, remember that this will often be used by inspectors to form their first impressions of your clinic. How do you want to be viewed?

**2. Have a reception and waiting area.**

Having a reception and waiting area may seem like an obvious requirement. However, news reports have provided visual evidence of fly-by-night pill mills operating in alleys, tents, or run-down buildings. This requirement is intended to prevent those type of operations and ensure that pain management clinics look like a typical physician office.

**3. Ensure the grounds, buildings, furniture are structurally sound, in good repair, clean, and free from health and safety hazards.**

As inspectors walk into your clinic, will they see a clean waiting room or will they be concerned about infection or injury? These are the impressions they will carry with them throughout the inspection. If the waiting room is well maintained, with nicely cleaned floors, clean furniture, and the building and doors in good working order, it can help to portray your clinic as one that strives to provide a positive experience for patients and visitors.

**4. Post the name and contact information of the designated physician and the names of all physicians practicing in the clinic.**

One simple, yet easily overlooked requirement is the posting of the name of the designated physician and all physicians practicing in the clinic and the contact information for the

designated physician. The law requires, “a printed sign located in a conspicuous place in the waiting room viewable by the public with the name and contact information of the clinic’s designated physician and the names of all physicians practicing in the clinic.” Beyond this, there are no specifics about the size, shape or color of the sign. If the required information is posted in a place visible by the public in your waiting room, then the requirement is satisfied.

#### **5. Post documentation of registration of the pain management clinic in a conspicuous place in the waiting room viewable by the public**

This requirement comes from the rules adopted by the Boards of Medicine and Osteopathic Medicine regulating registered pain management clinics. The new law directs the Department of Health to pass rules related to the inspection of registered pain management clinics. This rule was published as part of the inspection rules passed by the Boards in November. Compliance with this “impression item” is simple. If your pain management clinic registration is visible in the waiting room, it helps to set the tone for your inspection that your clinic knows the rules and has taken steps to comply with them.

#### Other Items

Beyond the **5 First Impressions**, there are two additional requirements that may not be first impressions, but can be easily overlooked resulting in two more violations (a possible **\$10,000** fine):

First, **is your clinic telephone number publicly listed?** If, prior to your inspection, the inspectors search for your phone number in a publicly available location, *e.g.*, phone book or internet, will they find it?

Second, **do you have a dedicated fax line that is available 24-hours a day?** Some places shut the fax machine down at night. Others either do not have a fax machine or share it with the office phone line. Under the new law, there must be “a dedicated phone number to send and receive faxes with a fax machine that shall be operational 24 hours per day.”

#### Conclusion

The new law contains many other requirements and you should independently assure that your practice is complying with those requirements. However, the elements listed in this article are simple little items that can help create a positive first impression for your clinic with the inspectors.

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