

DEPARTMENT OF HEALTH

RULE NO.:    RULE TITLE:

64B-7.001    Pain-Management Clinic Registration Requirements

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with Section 120.54(3)(d)1., F.S., published in Vol. 36, No.38, September 24, 2010, issue of the Florida Administrative Weekly.

(1) Every clinic location that is advertising pain-management services or employing a physician who is primarily treating pain by prescribing or dispensing controlled substance medications, unless exempt under Sections 458.3265(1) or 459.0137(1), F.S., must register and maintain a valid registration with the Department. Every registered clinic location upon change of ownership must register and maintain a valid registration with the Department. To be eligible to register with the Department, the clinic must meet the statutory requirements, which include the requirement that the clinic be fully owned by a physician or group of physicians who are currently licensed pursuant to Chapter 458 or 459 or licensed as a health care clinic with the Agency for Health Care Administration pursuant to Part X of Chapter 400, F.S. With regard to the surgical services exemption, interventional pain procedures of the type routinely billed using surgical codes are included in the term surgical services.

(2) The clinic’s designated physician must have a full, active, and unencumbered license, which includes:

(a) Having a clear, active license as a medical doctor or osteopathic physician under Chapter 458 or 459, F.S., that permits the physician to perform all duties authorized by holding a license without restriction.

(b) Having a license that is not designated as limited, restricted, retired, temporary, or training.

(c) Having a license with no restrictions on practice and no current disciplinary or other unsatisfied obligations imposed by the Board of Medicine, Board of Osteopathic Medicine, or the Department that limits or restricts the practice of medicine or osteopathic medicine, which includes suspension, probation, or any other restrictions on practice.

(3) Having considered the needs of small and rural clinic locations, the designated physician “shall practice at the clinic location,” which means retaining documentation of being physically present and practicing medicine or osteopathic medicine at that location for no less than at least 33% of the hours per week that the clinic is open for

business. For clinic locations with 3 or more physicians administering, prescribing, or dispensing controlled substance medications, including the designated physician, or for those clinic locations prescribing or dispensing more than half the maximum number of controlled substance prescriptions that the boards by rule allow a clinic to issue over a 24-hour period, the designated physician must be present at least 67% of the hours per week that the clinic is open for business. When the designated physician is unable to practice at the clinic location as required by this subsection, prescribing or dispensing of controlled substance medications at the clinic must cease unless and until the name of another designated physician who meets the statutory requirements is received by the Department by mail, facsimile, or electronic mail, which may include the date of return of the former designated physician intending to resume the position if he or she is qualified to serve in that capacity and the absence from the clinic location is temporary.

(4) To register with the Department, the designated physician must submit Application for Pain Management Clinic Registration, Form #DH-MQA 1219, 10/10, incorporated herein by reference. This form can be obtained from the Department of Health, Division of Medical Quality Assurance, at: 4052 Bald Cypress Way, Bin C-01, Tallahassee, FL 32399 or on the Board of Medicine or Board of Osteopathic Medicine website, which can be accessed at: [www.flhealthsource.com](http://www.flhealthsource.com) or at [MQA\\_medicine@doh.state.fl.us](mailto:MQA_medicine@doh.state.fl.us). At this mail or electronic address, the clinic is responsible to provide notice to the Department of the departure of the designated physician and, within 10 days after termination, the identity of another designated physician for the clinic. At this mail or electronic address, the designated physician at a registered clinic also within 10 days of departure shall notify the board of the date of termination from employment.