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## **BOARD OF MEDICINE REQUIRES PHYSICIAN SUPERVISION OF NON-PHYSICIAN OWNED MEDICAL OFFICES**

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The Florida Board of Medicine recently adopted a new rule ("Rule") that addresses standards of practice in non-physician owned offices. The Rule states that physicians and physician assistants may neither delegate to others nor reasonably rely upon others to insure compliance with certain clinical and quality responsibilities.

According to the Rule, any licensed physician or physician assistant who works in a practice that is not owned and under the control of an actively licensed Florida physician or who does not work in a hospital, ambulatory surgery center, nursing home or similar setting must have a physician in charge of the practice who completes a notarized statement which must be filed with the Board of Medicine. In this statement, the physician in charge must specifically agree to accept the following responsibilities on behalf of himself or herself and any other licensed physician or physician assistant under the practice setting:

1. *Ensure that all staff in the setting are licensed or certified as required by law and that documentation is maintained at the practice setting regarding such licensure or certification;*
2. *Ensure that any medical services provided by staff at the practice setting are appropriately supervised as required by law;*
3. *Ensure that the practice setting complies with all the relevant sections of the Florida Statutes, and the relevant rules of the Board of Medicine, including, but not limited to, the rules governing office surgery, medical records, and reporting adverse incidents; and*
4. *Review all practice billings to ensure that the billings are not fraudulent, including a systematic review of medical services provided, the dates of service, procedure and diagnostic codes, and the name of the provider.*

Additionally, the Florida Medicare Carrier ("Carrier") has stated its intent to ensure that non-physician medical practices must comply with this Rule prior to assigning them Medicare group provider numbers. The Carrier may also audit existing group practices that are not physician-owned to ensure they are in compliance with the Rule. **BC**

*Broad and Cassel, founded in January 1, 1946, has more than 140 lawyers and 200 support personnel located in seven offices throughout the state of Florida. Broad and Cassel has a national and international client base with offices located in Boca Raton, Fort Lauderdale, Miami, Orlando, Tallahassee, Tampa, and West Palm Beach. The Firm has extensive experience in a wide variety of practice areas including: Corporate and Securities; Real Estate; Estate Planning and Trusts; Commercial Litigation; Health Law; Taxation; Bankruptcy and Creditors' Rights; Labor and Employment; Intellectual Property Law; Computer and Technology Law; Appellate Law; White Collar Criminal and Civil Fraud Defense; and Special Assets.*

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