

New Law, New Requirements, New Enforcement: How to Prepare Your Clinic For the Changes

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The State of Florida has heavily publicized its efforts to crack down on pain clinics that they consider to be “pill mills”. On **July 1, 2011**, HB7095 governing pain management clinics went into effect. During the bill signing ceremony on June 3, 2011, Governor Rick Scott praised this legislation as “the beginning of the end of Florida’s infamous role as the nation’s Pill Mill Capital.” The Florida Attorney General, Pam Bondi, said this legislation will make “significant strides in ridding Florida of unscrupulous doctors and pill mills.” The new law means:

- Every registered pain management clinic will be inspected – If you were inspected under the former law (SB 2272), you are not off the hook.
- New inspection sheet – The former inspection sheet contained 10 elements; the new one will include significantly more elements to address the new requirements.
- New fines - \$5,000 per violation.
- More opportunities for violations – 4 potential violations (up to **\$20,000**) before first contact with your clinic staff!

The law significantly increased the number of requirements for registered pain management clinics. Increased requirements and enforcement efforts mean an increased likelihood for good pain management clinics that intend to follow the rules to get swept up with the “pill mills.” Unfortunately, many physicians have delegated to their office staff the responsibility of preparing the clinic for inspection. If this is you:

- **Have you given your staff the resources to prepare? OR**
- Are you expecting your already busy office staff to be experts on regulatory interpretation, read the 98-page law, and translate the law into standards for your clinic?
- If you are the designated physician or owner of the clinic, **it will be you, not your staff**, who faces the fines and other penalties.

What can you do? If you prepare now and document the efforts you took to correct identified violations, the law *requires* those efforts to be considered when determining whether to assess a fine and the amount.

How can you prove that your clinic is not a pill mill? The best proof comes from preparation through the following:

1. Either you or someone whom you trust *with expertise* must **review the 98-page law** and note which sections apply to your practice. Without this, you will end up with **gaps** that can cost you.
2. **Know the requirements** and how your practice will change based on these new requirements. It is not enough to just review the law nor can you expect your staff to “accidentally” meet the new requirements. You and your staff must **know** the new requirements. Meaningful summaries of the requirements can prepare your clinic.
3. **Change your clinic operations** to meet the new requirements. Summarizing is not enough. A review of your clinic and documentation must show that the new

requirements have been included and the clinic is following the new requirements. Actions will speak louder than words when it comes to assessing fines and penalties.

4. **Document, document, document.** Documented corrective action showing how you have attempted to incorporate the new law into your practice will reduce fines and penalties.

Unless you are willing to gamble your practice, reputation, and finances on the chance that the State of Florida will take a lenient stance on non-compliance with this new, heavily publicized law aimed at ridding the State of Pill Mills, the best advice is to **take the time to prepare**. It may cost you a little time or money now, but it will save you much more later.

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