

Akerman Practice Update

HEALTHCARE

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Regulatory Changes Which Could Impact Your Business

The types of entities qualifying for the Health Care Clinic Establishment Permit have been expanded to include any veterinary or healthcare business with a Federal Employer Identification Number.

By Martin R. Dix
marty.dix@akerman.com

In 2008, the Florida Legislature created a process for physician and veterinary practices to acquire and possess prescription drugs in the name of the corporate entity by applying for and obtaining a Health Care Clinic Establishment (“HCCE”) permit. However, the statutory language allowed only certain types of corporate entities to qualify for the HCCE permit. For instance, if physicians practiced as a professional corporation or professional limited liability corporation, they qualified for the permit, but if they practiced in a limited liability corporation, they did not. Thus, many of these veterinary and physician practices had their applications denied by the Department of Health.

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This problem was brought to the attention of the 2009 Florida Legislature and the law was amended to allow any business entity that provides veterinary or healthcare services and has a Federal Employer Identification Number to qualify for the HCCE permit. The business is still required to have a “Qualifying Practitioner” which is either a veterinarian or healthcare practitioner licensed to prescribe and administer prescription drugs. An individual healthcare practitioner may still acquire and possess prescription drugs under his own license. The legislation was passed by the Florida Legislature, but still must be referred to the Governor to sign, veto, or allow the legislation to become law without his signature.



The Federal Trade Commission has decided to delay the enforcement of the new “Red Flags Rule” until August 1, 2009.

By Kristen Foltz
kristen.foltz@akerman.com

This delay has been instituted in order to give creditors and institutions more time to develop and implement written identity theft prevention programs. The original enforcement date was to have been May 1, 2009.

“Given the ongoing debate about whether Congress wrote this provision too broadly, delaying enforcement of the Red Flags Rule will allow industries and associations to share guidance with their members, provide low-risk entities an opportunity to use the template in developing their programs, and give Congress time to consider the issue further,” FTC Chairman Jon Leibowitz said.

The Rule requires healthcare providers that meet the FTC’s definition of “creditor” and whose clients have “covered accounts,” to introduce a program that identifies, protects against, and alleviates identity theft. The program is flexible, and allows healthcare providers to design their own system to meet their needs in fighting identity theft.

For more information, please see <http://www.ftc.gov>.

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Tallahassee

Martin R. Dix

Highpoint Center, 12th Floor
106 East College Avenue
Tallahassee, FL 32301
850.224.9634
marty.dix@akerman.com

Tampa

Kristen Foltz

SunTrust Financial Centre
401 E. Jackson Street
Suite 1700
Tampa, FL 33602-5250
813.223.7333
kristen.foltz@akerman.com

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