

# WINN LAW

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## Question

- 1) Does an osteopathic physician practicing in Florida, need to register their office as a Health Care Clinic Establishment?
  - a) What if the DO is practicing as a Solo practitioner?
  - b) What if the DO is in a group practice?
    - i) What if the pharmaceutical drugs are ordered in the DO's name ONLY?
    - ii) What if the pharmaceutical drugs are ordered in the GROUP PRACTICE NAME?

Answer – Maybe! The answer to this question depends on one factor, how are the pharmaceutical drugs that are dispensed/administered/prescribed ordered?

Historically physicians have purchased drugs under **their own licenses**, but they were not allowed to purchase prescription drugs for group practice settings because the drugs would belong to the physician and transferring the drugs to another physician for use on that physician's patients would be an unlawful wholesale distribution. The HCCE permit was created to facilitate this activity; **the practice, as opposed to one of the physicians, would purchase the drugs for use by the practice.**

This permit **requires a designated qualifying practitioner** who will be responsible for complying with all legal and regulatory requirements related to the purchase, record keeping, storage, and handling of the prescription drugs. The HCCE must employ a qualifying practitioner at each establishment. The qualifying practitioner and HCCE must notify the department within ten (10) days of any subsequent change in the qualifying practitioner.

What is a "qualifying practitioner?"

- A "qualifying practitioner" (QP) is a licensed health care practitioner defined in s. 456.001, F.S., or a veterinarian licensed under Chapter 474, F.S., who is authorized under the appropriate practice act to prescribe and administer a prescription drug.
- The following licensees may be designated as a QP:
  - Medical Doctor (M.D.)
  - **Osteopathic Physician (D.O.)**
  - Physician Assistant (P.A.)
  - Advanced Registered Nurse Practitioner (ARNP)
  - Optometrist (O.D.)
  - Podiatric Physician (D.P.M.)
  - Dentist (D.D.S., D.M.D.)

- Veterinarian (D.V.M.)
- Who are authorized sources from which a HCCE permit may purchase Rx drugs?
  - Prescription Drug Manufacturer
  - Prescription Drug Repackager
  - Prescription Drug Wholesale Distributor
  - Non-Resident Prescription Drug Manufacturer
  - Out of State Prescription Drug Wholesaler Distributor
  - Compressed Medical Gas Manufacturer
  - Compressed Medical Gas Wholesaler
  - Veterinary Prescription Drug Wholesale Distributor

So, if you are a DO in Florida, working in a group practice, and order the pharmaceutical drugs in the group practice name, YOU MUST REGISTER AS AN HCCE. Click here for registration [https://www.myfloridalicense.com/CheckListDetail.asp?SID=&xactCode=1020&clientCode=3360&XACT\\_DEFN\\_ID=14977](https://www.myfloridalicense.com/CheckListDetail.asp?SID=&xactCode=1020&clientCode=3360&XACT_DEFN_ID=14977)

If you are a DO in Florida, working in a group practice, and order the pharmaceutical drugs in YOUR NAME ONLY, you do NOT need to register as an HCCE.

If you are a DO in Florida, and order pharmaceutical drugs for your practice in YOUR NAME ONLY, you do NOT need to register as an HCCE.

- 1) Does an osteopathic physician practicing in Florida, need to register their office as a Health Care Clinic Establishment? Maybe.
  - a) What if the DO is practicing as a Solo practitioner? **NO.**
  - b) What if the DO is in a group practice? **Maybe.**
    - i) What if the pharmaceutical drugs are ordered in the DO's name ONLY? **NO**
    - ii) What if the pharmaceutical drugs are ordered in the GROUP PRACTICE NAME? **YES**

#### LEGAL DISCLAIMER

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