



**LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)  
PAIN MANAGEMENT CLINICS TASK FORCE – SUB-COMMITTEE**

**MONDAY, APRIL 18, 2011 AGENDA**

**2300 NORTH JOG ROAD**

**CONFERENCE ROOM VC-1E-58 AND 59 – 1ST FLOOR : 2:30 PM – 3:30 PM**

**A. CALL TO ORDER**

1. Roll Call/Introductions
2. Additions, Substitutions and Deletions to Agenda
3. Motion to Adopt Agenda
4. Adoption of March 2, 2011 Minutes (Exhibit A-1)
5. Adoption of March 21, 2011 Minutes (Exhibit A-2)

**B. DISCUSS STATUS OF CURRENT STATE LEGISLATION**

**C. REVIEW DRAFT AMENDMENTS**

1. Need to Define Pain Management Clinic?
2. Exemptions from Dispensing Limitations
3. Other Options

**D. PUBLIC COMMENT**

**E. Adjourn**

## EXHIBIT A-1

### PAIN MANAGEMENT CLINICS A SUBCOMMITTEE OF THE LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)

#### MINUTES OF THE MARCH 21, 2011 SUBCOMMITTEE MEETING

Prepared by Zona Case, Zoning Technician

On Monday, **March 21, 2011**, the Pain Management Clinics Subcommittee met at the Vista Center, Room VC-1E-58 Conference Room, at 2300 North Jog Road, West Palm Beach, Florida.

Second meeting of the Pain Management Clinics Subcommittee for Amendment Round 2011-01.

#### A. Call to Order

The meeting was called to order at 2:10 p.m. There were not enough subcommittee members present to form a quorum. The meeting was conducted informally.

The participants introduced themselves.

##### 1. Roll Call/Introduction

Those in attendance were asked to introduce themselves.

**Subcommittee Members:** Lori Vinikoor.

**Interested Parties:** Lt. Bruce Hannan, Captain Eric Coleman, Tenna Wiles, Paul Dorling, Bert Schillinger and Thomas Lanahan.

**County Staff:** Bob Banks, William Cross, Zona Case, and Kenny Wilson; Barbara Alterman was present for a portion of the meeting.

##### 2. Additions, Substitutions and Deletions to Agenda

Mr. Cross noted changes to the March 2, 2011 Minutes, suggested for Item C-3, by Tom Lanahan after the Draft Minutes had been circulated.

##### 3. Motion to Adopt Agenda

N/A. No quorum.

#### B. Goals of Zoning in Progress (ZIP)

##### 1. Focus – Dispensing

Mr. Cross reiterated that in addition to the original task of developing a comprehensive approach to regulating pain clinics, dispensing physicians and pharmacies, the BCC had requested that staff take interim action to address new concerns with how pharmacies dispense Schedule II Controlled Substances. Specifically, the BCC had directed that staff develop a Moratorium on new pharmacies. However, due to time constraints and public notice requirements that would result in the moratorium preceding the full Ordinance by only a few weeks, staff was proposing a Zoning in Progress (ZIP) as a stop gap measure. He indicated that the ZIP would be modeled on the provisions of several existing or proposed Ordinances developed by Delray Beach, Boynton Beach and Greenacres, among others.

##### 2. Timeframe – pending adoption of Ordinance

Mr. Banks explained that a ZIP would prevent the issuance of new permits pending adoption of a new Ordinance, the language can be more restrictive, but not less, and the passage does not require a Public Hearing. It is typical, Mr. Banks said, to have most of the language in the Ordinance done before applying for a ZIP.

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Mr. Cross told members that the goal is to have the ZIP passed at the March 31, 2011 BCC Zoning Hearing. He noted that if any subcommittee members or interested parties wanted to attend, there was no time certain, but the meeting would commence at 9:30 a.m.

### 3. Applicability – new businesses only?

Mr. Cross questioned whether limiting the sale of Schedule II controlled substances to no more than 15 percent of all prescriptions filled by a pharmacy in a thirty day period, as stated in the Delray Beach, Boynton Beach and Greenacres Ordinances, could be enforced for existing pharmacies. Mr. Banks said that he would check to find out if it is enforceable for issue of permit.

## C. REVIEW OF DRAFT ZIP (EXHIBIT B)

### 1. General Comments

Mr. Cross referred members to the draft of the proposed language for the ZIP as outlined in Exhibit B and indicated that this document will be presented to the BCC with a cover letter outlining the authority and intent.

### 2. Specific Questions for Subcommittee

- Who maintains records on licensed pharmacists or pharmacies?  
In replying to this question, Lt. Hannan said he would get that information for the subcommittee and suggested that it would be helpful for Palm Beach County to have its own database with public access. Ms. Wiles expressed dissatisfaction about the absence of a State prescription drug database and said that Dave Aaronberg and the Senate strongly supports it. Mr. Cross said PBC will take the most fitting language from the Delray Beach and Boynton Beach Ordinances and wait until the 18th of April to see if any changes are made at the State level.
- Regulation of wholesaling?  
Mr. Cross suggested that the representatives of the PBC Pharmacy Association may be able to provide information on what standards apply to wholesalers.
- Any special considerations for hospitals or medical centers?  
Mr. Cross questioned whether a pharmacy in a hospital is subject to different rules compared to one not affiliated with a hospital. A discussion followed in which members made the following points:
  - Mr. Schillinger explained the difference between a pharmacy in a hospital and one not affiliated with a hospital, and Mr. Banks added that in his view, a pharmacy in a hospital should not be regulated because they do not sell to the public, they sell to hospitalized patients.
  - Ms. Vinikoor said that different rules are applied to hospital pharmacies and questioned whether non-patients can get a private prescription filled in a hospital pharmacy. Mr. Lanahan said that in the case of the JFK Hospital, the pharmacy is for in-patient supply only and it is partially linked to Walgreens which delivers prescriptions.
  - Mr. Dorling pointed out that prescription sales of controlled substances may be higher than 15 percent if a pharmacy is associated with a hospital with cancer patients.

## EXHIBIT A-1

- Ms. Vinikoor questioned “Accessory pharmacy” in Exhibit B, Part 2, and was of the opinion that the language might have to be excluded taking into account people with cancer.
  - Ms. Wiles suggested that a hospital be consulted before including the term “Accessory Pharmacy.”
  - After a brief discussion Ms. Vinikoor suggested that Accessory Pharmacy be entirely excluded.
- Clarify need to regulate physicians (recognizing both existing F.S. and current changes proposed in 2011 legislative session)?

Ms. Vinikoor referred to Part 3 of Exhibit B, Medical or Dental Office, and commented on the current Code. She suggested that “chiroprapist” be changed to “podiatrist.” Mr. Cross indicated that this change had already been included in the previous Round of Amendments, which will be published in Supplement 10.

Ms. Vinikoor also questioned the existing Code text under Part 3 of Exhibit B, Art. 4.B.1.A.83, Medical or Dental Office “A pain management clinic shall not be considered a medical or dental office.” Mr. Banks explained that this language was part of the Moratorium on Pain Management Clinics, which would be superceded by the proposed Ordinance scheduled for adoption in August. When regulation of pharmacies as opposed to pain clinics becomes effective, the definition will be deleted from the Code. Mr. Dorling expressed the view that the definition should be medical office. Ms. Vinikoor said that in keeping with the new law passed in October 2010, Pain Management Clinics are required to have a doctor on the premises.

Mr. Cross referred to Part 4 of Exhibit B, Personal Services and explained that this is an attempt at clarification as this use can include the sales of weight loss and like products.

Mr. Banks said that State law mandates that physicians cannot dispense more than 72 hours of narcotic prescriptions sales. Captain Coleman suggested that the 72 hour limitation be kept. Mr. Banks further said that if the limitation is a State regulation it can be retained but he is of the opinion that it should be ommitted. He went on to say that the changes being proposed are not intended to regulate doctors’ offices but to go after rogue pharmacies and pharmacies that dispense more than 15 percent of Schedule II Controlled Substances. If the State changes the law PBC can regulate it. Mr. Wilson said that the status of the 72 hour rule is still in limbo, and it would be better to leave the County’s 72 hour rule on the books. If or when the State makes it law, then the County can adjust the rule then.

- Clarify if there is a need to regulate Schedule III and IV?  
The 15 percent cap to limit the percentage of Schedule II Controlled Substances sold in relation to the number of other prescriptions sold at each pharmacy within a 30 day period was discussed and Lt. Hannan expressed the opinion that the cap could be lowered to 10 percent as Palm Beach County should be on the threshold of zero tolerance.

Mr. Schillinger suggested that care be taken in defining 15 percent, depending on how many prescriptions are written for a patient, one or many. Ms. Vinikoor said she was concerned about doctors writing, for example, 20 prescriptions when fewer could be written, so that a pharmacy can have more prescriptions per month. Mr. Wilson was of the view that if the doctor writes the prescription it would not be right

## EXHIBIT A-1

for PBC to cross the line and determine how many prescriptions should be written. Mr. Dorling suggested that for Schedule II drugs three or more prescriptions should be written.

- Clarify need to require licensed pharmacist (see also F.S.)?  
Mr. Cross stated that having a licensed pharmacist is already a requirement. Mr. Dorling stated that is the reason why the Delray Beach Ordinance has a definition for Pharmacy.

### 3. Other considerations?

There were no other suggestions or considerations.

## D. REFINING SCOPE OF ZIP FOR INCLUSION IN FINAL ORDINANCE

### 1. Applicability – apply retroactively to existing dispensers

Mr. Banks said that he would check to find out if it is enforceable.

### 2. Other suggestions?considerations

There were no other suggestions or considerations

## E. NEXT MEETING DATE AND TOPICS

### 1. Monday, April 18, 2011

### 2. Review of Ordinance

## F. PUBLIC COMMENT

No additional public comments were heard.

## G. ADJOURN

Meeting adjourned 3:45 p.m.

## EXHIBIT A-2

### PAIN MANAGEMENT CLINICS A SUBCOMMITTEE OF THE LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)

#### MINUTES OF THE MARCH 2, 2011 SUBCOMMITTEE MEETING

Prepared by Zona Case, Zoning Technician

On Wednesday **March 2, 2011**, the Pain Management Clinics Subcommittee met at the Vista Center, Room VC-1E-58 Conference Room, at 2300 North Jog Road, West Palm Beach, Florida.

First meeting of the Pain Management Clinics Subcommittee for Amendment Round 2011-01.

#### A. CALL TO ORDER

Mr. Cross, called the meeting to order at 2:10 p.m. and asked the participants to introduce themselves.

##### 1. Introduction

**Subcommittee Members:** Jim Knight, Lori Vinikoor and David MacKarey.

**Interested Parties:** Sgt. Brady Myers, Tenna Wiles, Paul Dorling, Jason Appell, Frank Palen, Thomas Lanahan, Charles Wu and Anna Yeskey.

**County Staff:** Bob Banks, William Cross, Zona Case, Deb Wiggins and Kenny Wilson; Verdenia Baker, Barbara Alterman, Jon MacGillis and Maryann Kwok were present at times.

##### 2. Select Chair and Vice Chair

The Committee declined to select a Chair or Vice Chair, preferring a more informal meeting.

##### 3 Additions, Substitutions and Deletions to Agenda

None.

##### 4. Motion to Adopt Agenda

Ms. Vinikoor made the motion to adopt the agenda, seconded by Mr. Wilson.

#### B. Purpose and Intent

##### 1. Goal of Subcommittee – March 1, 2011 BCC Direction

Mr. Cross explained that the County had adopted a moratorium on Pain Management Clinics in April of 2010, which has been extended to September of 2011. The purpose of the moratorium was to limit the adverse impacts from Pill Mills until such time as the State adopted a prescription drug database or other regulatory provisions, or barring any State action, allow staff to develop a comprehensive Ordinance to be adopted prior to the expiration of the Moratorium. In addition, the BCC had recently directed staff to explore the possibility of a moratorium blocking pharmacies due to changes in how Pill Mill operators are responding to new F.S., limiting the dispensing by physicians to a period of no more than 72 hours for cash sales. The BCC is concerned that a crackdown could lead to rogue pharmacies, instead of doctors, writing prescriptions. Doctors who dispense are already subject to the present code as their use is classified as either a Pain Management Clinic, or Dental or Medical Office.

##### 2. Timeframe/Schedule

Mr. Cross outlined the goal of having amendments ready for presentation to the LDRAB at the April 27 or May 25 meeting, with BCC Public Hearings in June, July and August. At the start of the meeting the consensus was that one more subcommittee meeting

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would be sufficient for review, but after further discussion of the issue all parties concluded that two more meetings will be necessary.

### C. Background and Summary

#### 1. Status of State Legislation and Database

The moratorium on pain clinics, and the proposed moratorium on pharmacies were discussed. Mr. Cross stated that moratoriums cannot remain in effect for an indefinite period of time, and that pending State or Federal solutions, the likely direction will be to establish regulations that address both Pain Management Clinics and Pharmacies.

#### 2. Law Enforcement

Sgt. Myers outlined current operations of Pain Management Clinics and said that they vary in size, and more recently have been getting larger and acquiring their own pharmacies. Ms. Wiles and Ms. Vinikoor expressed concerns about regulations as they relate to:

- Urgent Care Centers that dispense;
- people picking up prescriptions for malignant cancer patients;
- people with intractable pain (not cancer related), just needing pain management. (There should be Florida statutes for intractable pain); and,
- if doctors guilty of this practice are known, why can't law enforcement go after them.

Sgt. Myers said that there is no control mechanism and anyone can pick up a prescription for another person. There is enough evidence on record to see what is being treated. He continued by saying that it takes months for Tallahassee to take any action.

Messrs. Mackarey and Appel both described the types of drugs and their classification (Schedule I through V), and indicated that a typical pharmacist filled an average of 200 prescriptions per day for these types of drugs.

Ms. Alterman joined the discussion by stating that the focus is to look into having a moratorium on pharmacies and suggested that consideration could be given to placing one on new pharmacies affiliated with Pain Clinics. Mr. Mackarey stated the Pain Clinics will find ways to beat regulations, such as putting up their own pharmacies. The moratorium, he stated, is not intended for large pharmacies such as Walgreens or CVS. He suggested criteria that might help to limit, such as (1) the size; (2) the volume; (3) having a licensed pharmacist at all times; (4) doctors may prescribe but not dispense: a doctor is allowed to dispense in his office but he must validate the prescription. Several participants touted the recent Delray, Boynton Beach and Greenacres Zoning Ordinances that focus on reigning in pill mill pharmacies by limiting the sale of Schedule II controlled substances to no more than 15 percent of all prescriptions filled by a Pharmacy in a 30 day period. Mr. Mackarey indicated that a typical Pharmacy might not exceed 10 percent in this category and that the 15 percent limit was considered generous.

Mr. Cross raised the question of what, apart from the Zoning Ordinance, are the other means available to enforce the 15 percent cap. Mr. Dorling replied that the police can enforce. This was confirmed by Mr. MacKarey who explained that there are methods in place to determine violation as State law requires that Pharmacists maintain detailed

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records. The PBC-DOH inspects annually, but can also inspect at any time. If a violation is noted, the evidence or report is forwarded to local law enforcement or PBSO; if not being used for other case-related issues (this is a crucial note – as the County Code Enforcement may not be called upon to enforce some violations). PBSO would forward the evidence or report to PBC Code Enforcement. After the violation is filed the Special Master process is a lengthy one.

Ms. Wiggins interjected that once a violation is noted, it would be prudent for DOH to conduct regular follow-ups to review records, as when the Code Enforcement case finally gets to Special Master, the offender might argue that they are currently in compliance, be released, and the whole process has to be repeated.

Ms. Wiggins also stated that the Ordinance does not assist in enforcement as Code Enforcement Officers have no authority to get evidence on paper. They have to go to the police. The DOH has to give an Affidavit of Infringement and the offenders are given time to appeal.

### 3. IPARC Subcommittee Report

Mr. Cross referred to the IPARC Subcommittee Report on Page 16 of the Pain Management Clinics handout and there was a quick review of the 5 recommendations. Most were deemed unfeasible or not enforceable and it was generally agreed that it is highly likely that PBC will follow the key components of the Delray Ordinance which has been in effect since September 2009.

### 4. What Other Jurisdictions Have Done

Mr. Lanahan gave a brief outline of the proposed amendments being adopted by the City of Greenacres. New definitions have been written for medical and dental office, and regulations prohibiting on-site dispensing, with special exceptions listed. There are new definitions for pharmacies and the same 15 percent limitations on Schedule II controlled substances as discussed above. Mr. Lanahan went on to say that including the pharmacy requirement adds another layer of prevention. This is a statewide issue which is spreading and the City has decided to press ahead. The State database would be a big asset and these measures are just short term fixes.

Mr. Dorling added that Delray wrote definitions for medical office, pharmacies and drug stores and he was of the opinion that this was the cleaner and less complicated way to do it, namely to eliminate definition of Pain Management Clinic and put restrictions on the medical offices and pharmacies. No on-site dispensing of controlled substances as identified in Florida Statutes.

Mr. MacGillis expressed the view that a definition for pharmacies should be added to the ULDC.

## D. DISCUSSION

Additional discussion ensued on some elements of the Ordinance being suggested for Martin County, including:

- separation between Pain Management Clinics (1,000') or Pharmacies (500');
- both uses cannot be permitted in same building;
- minimum distances from I-95 and Florida's Turnpike;
- prohibitions on any off-site signage (e.g. billboards);



## EXHIBIT A-2

- requires operators to patrol sidewalks and ensure customers wait inside (not out in parking lot, etc.);
- requirement that Ord. requirements be included in any leases, and if in violation, owner can terminate lease; and,
- provision that automatically revokes any County approvals if facility loses its State licenses.

There was also a brief discussion on the requirement that PMC's have onsite specialists.

### **E. Topics for next meeting**

Staff indicated that a draft Ordinance would be developed and a tentative late March date established for the next subcommittee meeting.

### **F. Public Comment**

No additional public comments were heard.

### **G. Adjourn**

Meeting adjourned 3:50 p.m.

**ATTACHMENT B**

**DISPENSING, PHARMACIES (GENERAL RETAIL SALES) AND PAIN  
MANAGEMENT CLINICS  
SUMMARY OF AMENDMENTS  
(Updated 4/13/11)**

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**Part 1. ULDC Art. 1.I.2, Definitions (page 80 of 114), is hereby amended as follows:**

**Reason for amendments:** [Zoning/Co. Atty.] 1) Add the term pharmacy and define it as the primary use that provides for the retail sale/dispensing of prescription and non-prescription drugs; 2) Clarify that pharmacies fall under the use of General Retail Sales.

**CHAPTER I DEFINITIONS & ACRONYMS**

**Section 2 Definitions**

P. Terms defined herein or referenced in this Article shall have the following meanings:

....  
44. Pharmacy – shall mean an establishment offering goods for retail sale or on-site dispensing of prescription drugs, non-prescription drugs or both.  
**[Renumber accordingly.]**

P. Terms defined herein or referenced in this Article shall have the following meanings:

....  
**41. Retail Sales, General** - for the purposes of Art. 4, an establishment providing general retail sales or rental of goods, but excluding those uses specifically classified as another use type. Uses include typical retail stores such as clothing stores, bookstores, business machine sales, food and grocery stores (excluding convenience stores), window tinting, ~~and~~ marine supply sales (excluding boat sales), and pharmacies. Uses shall also include the sale of bulky goods such as household goods, lawn mowers, mopeds, motorcycles and golf carts. Retail establishments may include limited repair services for their products. For impact fee purposes, general retail also includes services such as entertainment, eating and drinking establishments, and personal services.

**Part 2. ULDC Table 3.B.1.B, Airport Use Regulations (page 18 of 231), is hereby amended as follows:**

**Reason for amendments:** [Zoning/Co. Atty.] Allow for Pain Management Clinic in the same districts as permitted for Medical or Dental Office uses.

**Table 3.B.2.B - Airport Use Regulations**

Use Type	Airport Related Uses	Non-Airport Related Uses	Corresponding Zoning District PDRs <sup>(1)</sup>	Note <sup>(2)</sup>	Use Applicable to Specific Airport
<b>Commercial Uses</b>					
....					
Pain Management Clinic	<b>P</b>	<b>D</b>	<b>CG</b>	91-1	All
....					
<b>[Ord. 2006-036] [Ord. 2008-003][Ord. 2010-009] [Ord. 2010-022]</b>					
<b>Key</b>					
P	Permitted by right				
D	Permitted subject to approval by the DRO				
S	Permitted only if approved by special permit				
B	Permitted only if approved by the Zoning Commission (ZC)				
A	Permitted only if approved by the Board of County Commission (BCC)				
1	Palm Beach International Airport (PBIA)				
2	PBC Glades Airport				
3	PBC Park Airport (aka Lantana Airport)				
4	North PBC General Aviation Airport				
All	PBIA, PBC Glades Airport, PBC Park Airport (aka Lantana Airport), North PBC General Aviation Airport				

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**Notes:**  
Underlined indicates **new** text. If being relocated destination is noted in bolded brackets **[Relocated to: ]**  
~~Stricken~~ indicates text to be **deleted**.  
*Italicized* indicates text to be relocated. Source is noted in bolded brackets **[Relocated from: ]**.  
 .... A series of four bolded ellipses indicates language omitted to save space.

**ATTACHMENT B**

**DISPENSING, PHARMACIES (GENERAL RETAIL SALES) AND PAIN  
MANAGEMENT CLINICS  
SUMMARY OF AMENDMENTS  
(Updated 4/13/11)**

1  
2 **Part 3. ULDC Table 3.B.15.F, IRO Permitted Use Schedule (page 71 of 231), is hereby amended**  
3 **as follows:**  
4

**Reason for amendments:** [Zoning/Co. Atty.] Allow for Pain Management Clinic in the same districts as permitted for Medical or Dental Office uses.

**TABLE 3.B.15.F.– IRO PERMITTED USE SCHEDULE**

USE TYPE	LAND USE				NOTE	USE TYPE	LAND USE				NOTE
	C L	C H	C L O	C H O			C L	C H	C L O	C H O	
<b>RESIDENTIAL USES</b>					<b>COMMERCIAL USES (CONTINUED)</b>						
....					....						
....					<u>Pain Management Clinic</u>	<u>D</u>	<u>D</u>	<u>D</u>	<u>D</u>	<u>91-1</u>	
....					....						
[Ord. 2010-005] [Ord. 2010-022]											
<b>KEY</b>											
P Permitted by right.											
D Permitted subject to DRO approval.											
L Permitted only where accessory to a permitted use.											
S Permitted subject to Special Permit approval.											
A Permitted subject to Board of County Commission Approval.											

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7  
8 **Part 4. ULDC Table 3.E.1.B, PDD Use Matrix (page 144 of 231), is hereby amended as follows:**  
9

**Reason for amendments:** [Zoning/Co. Atty.] Allow for Pain Management Clinic in the same districts as permitted for Medical or Dental Office uses.

**Table 3.E.1.B - PDD Use Matrix cont'd**

Use Type	PUD		MUPD					MXPD	PIPD			M	R	V	LCC		NOTE
	Pods		FLU					FLU	Use Zone						FLU		
	R E S	C O M	R E S	C I V I L	A P P	C L	C H	C L O	C H O	I N D	I N S T				C H	C H	
<b>Commercial Uses</b>																	
....																	
<u>Pain Management Clinic</u>	<u>P</u>					<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>								
....																	
[Ord. 2005-002] [Ord. 2006-004] [Ord. 2007-001] [Ord. 2007-013] [Ord. 2009-040] [Ord. 2010-005] [Ord. 2010-022]																	
<b>Notes:</b>																	
P Permitted by right																	
D Permitted subject to approval by the DRO																	
S Permitted in the district only if approved by Special Permit																	
R Permitted in the district only if approved by the Board of County Commissioners (BCC) as a requested use.																	

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**ATTACHMENT B**

**DISPENSING, PHARMACIES (GENERAL RETAIL SALES) AND PAIN  
MANAGEMENT CLINICS  
SUMMARY OF AMENDMENTS  
(Updated 4/13/11)**

1  
2 **Part 5. ULDC Table 4.A.3.A., Use Matrix (page 18 of 231), is hereby amended as follows:**

3 **Reason for amendments:** [Zoning/Co. Atty.] Allow for Pain Management Clinic in the same districts as  
4 permitted for Medical or Dental Office uses.

**Table 3.F.1.F – Traditional Development Permitted Use Schedule (Continued)**

District Tier Land Use Zone	TND						TMD				NOTES	
	Urban/Suburban (U/S)			Exurban/Rural			U/S	Ex/ Rural	AGR			
	Res	Neighborhood Center (NC)	Open Space/ Rec	Res	N/C	Open Space/ Rec					Dev	Preserve
<b>Commercial Uses</b>												
....												
<b>Pain Management Clinic</b>		<u>P</u>			<u>P</u>		<u>P</u>	<u>P</u>	<u>P</u>			91-1
	P				P		P	P	P			49
[Ord. 2005 – 002] [Ord. 2005-041] [Ord. 2006-036] [Ord. 2007-001] [Ord. 2008-037][Ord. 2009-040] [Ord. 2010-005] [Ord. 2010-022]												
<b>Notes:</b>												
P Permitted by right. D Permitted subject to approval by the DRO. S Permitted in the district only if approved by Special Permit. R Requested Use.												

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6  
7 **Part 6. ULDC Table 4.A.3.A, Use Matrix (page 15 of 166), is hereby amended as follows:**

8 **Reason for amendments:** [Zoning/Co. Atty.] Allow for Pain Management Clinic in the same districts as  
9 permitted for Medical or Dental Office uses.

**Table 4.A.3.A - Use Matrix Continued**

Use Type	Zoning District/Overlay																NOTE	
	Agriculture/ Conservation			Residential					Commercial					Industry/Public				
	P	A	A	AR	R	R	R	R	C	C	C	C	C	C	I	I		P
C	G	P	R	U	E	T	S	M	N	L	C	H	G	R	L	G	O	F
	R		A	A					O	O		E						
<b>Commercial Use</b>																		
....																		
<b>Pain Management Clinic</b>									<u>D</u>	<u>A</u>	<u>P</u>	<u>D</u>	<u>P</u>				<u>P</u>	<u>D</u>
....																		
[Ord. 2005-002] [Ord. 2006-004] [Ord. 2006-036] [Ord. 2007-001] [Ord. 2010-005] [Ord. 2010-022]																		
<b>Key:</b>																		
P Permitted by right D Permitted subject to approval by the DRO S Permitted in the district only if approved by Special Permit B Permitted in the district only if approved by the Zoning Commission (ZC) A Permitted in the district only if approved by the Board of County Commissioners (BCC)																		

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ATTACHMENT B

DISPENSING, PHARMACIES (GENERAL RETAIL SALES) AND PAIN MANAGEMENT CLINICS SUMMARY OF AMENDMENTS (Updated 4/13/11)

1 Part 7. ULDC Art. 4.B.1.A.83, Medical or Dental Office (page 65 of 166), is hereby amended as follows:

Reason for amendments: [Zoning/Co. Atty.] Clarify F.S. provisions for standards and limitations for the dispensing of Schedule II, III and IV controlled substances by physicians.

5 CHAPTER B SUPPLEMENTARY USE STANDARDS

6 Section 1 Uses

7 A. Definitions and Supplementary Standards for Specific Uses

8 83. Medical or Dental Office

9 An establishment where patients, who are not lodged overnight, are admitted for examination or treatment by persons practicing any form of healing or health-building services whether such persons be medical doctors, chiropractors, osteopaths, chiropodists, naturopaths, optometrists, dentists, or any such profession, the practice of which is lawful in the State of Florida. A pain management clinic shall not be considered a medical or dental office. [Ord. 2005 – 002] [Ord. 2010-009]

15 ....

16 c. Sale or Dispensing of Controlled Substances

17 On-site dispensing of controlled substances that are identified in Schedule II, III or IV in F.S. § 893.03, and as further amended by F.S. § 893.035, 893.0355, or 893.0356, is prohibited, unless otherwise expressly permitted by statutory or general law.

22 Part 8. ULDC Art. 4.B.1.A.91-1, Pain Management Clinic (pages 70-71 of 166), is hereby amended as follows:

Reason for amendments: [Zoning/Co. Atty.]

25 CHAPTER B SUPPLEMENTARY USE STANDARDS

26 Section 1 Uses

27 A. Definitions and Supplementary Standards for Specific Uses

28 91-1 Pain Management Clinic

29 All privately owned pain management clinics, facilities, or offices, which advertise in any medium for any type of pain management services, or employ a physician who is primarily engaged in the treatment of pain by prescribing or dispensing controlled substance medications, and are required to register with the Florida Department of Health pursuant to Sec. 458.3265, Florida Statutes, as may be amended, regardless of whether such registration is pending, denied or revoked. A physician is primarily engaged in the treatment of pain by prescribing or dispensing controlled substance medications when the majority of the patients seen are prescribed or dispensed controlled substance medications for the treatment of chronic nonmalignant pain. Chronic nonmalignant pain is pain unrelated to cancer which persists beyond the usual course of the disease or the injury that is the cause of the pain beyond the usual course of the disease or the injury that is the cause of the pain or more than 90 days after surgery. [Ord. 2010-009][2011-001]

41 a. Sale or Dispensing of Controlled Substances

42 On-site dispensing of controlled substances that are identified in Schedule II, III or IV in F.S. § 893.03, and as further amended by F.S. § 893.035, 893.0355, or 893.0356, is prohibited, unless otherwise expressly permitted by statutory or general law.

45 a. Moratorium

- 46 1. The BCC does hereby impose a moratorium beginning April 2, 2010 upon the acceptance of zoning applications and all applicable requests for zoning approval for pain management clinics. [Ord. 2010-009][Ord. 2011-001]
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49 2. This Ordinance shall expire upon the earlier of the following: October 3, 2011, or upon the effective date of ULDC amendments dealing with pain management clinics to be considered by the BCC during the moratorium. [Ord. 2010-009][Ord. 2011-001]
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Notes: Underlined indicates new text. If being relocated destination is noted in bolded brackets [Relocated to: ] Stricken indicates text to be deleted. Italicized indicates text to be relocated. Source is noted in bolded brackets [Relocated from: ]. .... A series of four bolded ellipses indicates language omitted to save space.

ATTACHMENT B

DISPENSING, PHARMACIES (GENERAL RETAIL SALES) AND PAIN MANAGEMENT CLINICS SUMMARY OF AMENDMENTS (Updated 4/13/11)

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Part 9. ULDC Art. 4.B.1.A.98, Personal Services (page 72 of 166), is hereby amended as follows:

Reason for amendments: [Zoning/Co. Atty.] Add reference to clarify that the sale or dispensing of controlled substances is not considered an accessory use to any Personal Services use.

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses

98. Personal Services

An establishment engaged in the provision of frequently or recurrently services of a personal nature; or, the provision of informational, instructional, personal improvement or similar professional services which may involve limited accessory retail sale of products. Typical uses include art and music schools, beauty and barbershops, driving schools, licensed therapeutic massage studios, photography studios, and tanning salons.

....  
b. Sale or Dispensing of Controlled Substances  
The limited accessory retail sale of products does not include the sale or dispensing of controlled substances, unless in compliance with the requirements for Medical or Dental Office, or General Retail Sales.

Part 10. ULDC Art. 4.B.1.A.114, General Retail Sales (page 85 of 166), is hereby amended as follows:

Reason for amendments: [Zoning/Co. Atty.] Establish standards that limit the dispensing of Schedule II drugs to no more than 15 percent of overall prescriptions filled within a 30 day period.

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses

114. Retail Sales, General

An establishment providing general retail sales or rental of goods, but excluding those uses specifically classified as another use type. Uses include typical retail stores such as clothing stores, bookstores, business machine sales, food and grocery stores (excluding convenience stores), window tinting, ~~and~~ marine supply sales (excluding boat sales), and pharmacies. Uses shall also include the sale of bulky goods such as household goods, lawn mowers, mopeds, motorcycles and golf carts. Retail establishments may include limited repair services for their products. For impact fee purposes, general retail also includes services such as entertainment, eating and drinking establishments, and personal services.

....  
g. Sale or Dispensing of Controlled Substances - Pharmacy  
A pharmacy shall be subject to the following:  
1) No more than 15 percent of the total number of prescriptions filled within a thirty (30) day period can be derived from the sale of controlled substances that are identified in Schedule II in accordance with F.S. § 893.03, and as further amended by F.S. § 893.035, 893.0355, or 893.0356, as determined by audits or information provided through the Florida Department of Health or any other government agency having the legal right to view such records.  
2) A pharmacy must accept insurance for the sale of controlled substances.

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Notes:  
Underlined indicates **new** text. If being relocated destination is noted in bolded brackets [**Relocated to:** ]  
~~Stricken~~ indicates text to be **deleted**.  
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