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LEGISLATIVE ACTION

Senate

House

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Floor: WD

03/09/2012 05:47 PM

Senator Bogdanoff moved the following:

Senate Amendment (with title amendment)

Between lines 407 and 408

insert:

Section 10. Paragraph (b) of subsection (1) of section 483.23, Florida Statutes, is amended to read:

483.23 Offenses; criminal penalties.—

(1)

(b) The performance of any act specified in paragraph (a) shall be referred by the agency to the local law enforcement agency and constitutes a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Additionally, the agency may issue and deliver a notice to cease



614922

14 and desist from such act and may impose by citation an
15 administrative penalty not to exceed \$5,000 per act. Each day
16 that unlicensed activity continues after issuance of a notice to
17 cease and desist constitutes a separate act.

18 Section 11. Subsection (1) of section 483.245, Florida
19 Statutes, is amended, and subsection (3) is added to that
20 section, to read:

21 483.245 Rebates prohibited; penalties.—

22 (1) It is unlawful for any person to pay or receive any
23 commission, bonus, kickback, or rebate or engage in any split-
24 fee arrangement in any form whatsoever with any dialysis
25 facility, physician, surgeon, organization, agency, or person,
26 either directly or indirectly, for patients referred to a
27 clinical laboratory licensed under this part. A clinical
28 laboratory is prohibited from providing, directly or indirectly,
29 through employees, contractors, an independent staffing company,
30 lease agreement, or otherwise, personnel to perform any
31 functions or duties in a physician's office, or any part of a
32 physician's office, for any purpose whatsoever, including for
33 the collection or handling of specimens, unless the laboratory
34 and the physician's office are wholly owned and operated by the
35 same entity. A clinical laboratory is prohibited from leasing
36 space within any part of a physician's office for any purpose,
37 including for the purpose of establishing a collection station.

38 (3) The agency shall promptly investigate all complaints of
39 noncompliance with subsection (1). The agency shall impose a
40 fine of \$5,000 for each separate violation of subsection (1). In
41 addition, the agency shall deny an application for a license or
42 license renewal if the applicant, or any other entity having one



614922

43 or more common controlling interests in the applicant,
44 demonstrates a pattern of violating subsection (1). A pattern
45 may be demonstrated by a showing of at least two such
46 violations.

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48 ===== T I T L E A M E N D M E N T =====

49 And the title is amended as follows:

50 Delete line 42

51 and insert:

52 years of full-time practice in pain medicine; amending
53 s. 483.23, F.S.; requiring the agency to refer
54 criminal acts regarding the operation of a clinical
55 laboratory to a local law enforcement agency;
56 authorizing the agency to issue and deliver notice to
57 cease and desist and impose an administrative penalty
58 for each act; amending s. 483.245, F.S.; providing
59 that a clinical laboratory is prohibited from
60 providing personnel to perform functions or duties in
61 a physician's office unless the laboratory and the
62 physician's office are owned and operated by the same
63 entity; prohibiting a clinical laboratory from leasing
64 space in a physician's office; requiring the agency to
65 investigate complaints, impose fines, and deny an
66 application for a license or license renewal under
67 certain circumstances; amending