

By the Committee on Health Care Services and
Representative Albright

1 A bill to be entitled
2 An act relating to health care; amending s.
3 455.654, F.S.; revising an exemption from the
4 definition of "referral"; providing conditions
5 for forfeiture of the exemption; providing an
6 effective date.

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8 Be It Enacted by the Legislature of the State of Florida:

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10 Section 1. Paragraph (k) of subsection (3) of section
11 455.654, Florida Statutes, is amended to read:

12 455.654 Financial arrangements between referring
13 health care providers and providers of health care services.--

14 (3) DEFINITIONS.--For the purpose of this section, the
15 word, phrase, or term:

16 (k) "Referral" means any referral of a patient by a
17 health care provider for health care services, including,
18 without limitation:

19 1. The forwarding of a patient by a health care
20 provider to another health care provider or to an entity which
21 provides or supplies designated health services or any other
22 health care item or service; or

23 2. The request or establishment of a plan of care by a
24 health care provider, which includes the provision of
25 designated health services or other health care item or
26 service.

27 3. Except for the purposes of s. 455.661, the
28 following orders, recommendations, or plans of care shall not
29 constitute a referral by a health care provider:

30 a. By a radiologist for diagnostic-imaging services.

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1 b. By a physician specializing in the provision of
2 radiation therapy services for such services.

3 c. By a medical oncologist for drugs and solutions to
4 be prepared and administered intravenously to such
5 oncologist's patient, as well as for the supplies and
6 equipment used in connection therewith to treat such patient
7 for cancer and the complications thereof.

8 d. By a cardiologist for cardiac catheterization
9 services.

10 e. By a pathologist for diagnostic clinical laboratory
11 tests and pathological examination services, if furnished by
12 or under the supervision of such pathologist pursuant to a
13 consultation requested by another physician.

14 f. By a health care provider who is the sole provider
15 or member of a group practice for designated health services
16 or other health care items or services that are prescribed or
17 provided for not less than 50 percent of ~~solely for~~ such
18 referring health care provider's or group practice's own
19 patients, and that are provided or performed by or under the
20 direct supervision of such referring health care provider or
21 group practice. For a group practice, this exemption is
22 forfeited if the group practice accepts a referral from a
23 physician who is not a member of the group practice but who
24 has an investment interest in or is an investor in the group
25 practice. For a sole provider, this exemption is forfeited if
26 the sole provider accepts a referral from a physician who has
27 an investment interest in or is an investor in the sole
28 provider's practice.

29 g. By a health care provider for services provided by
30 an ambulatory surgical center licensed under chapter 395.

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