Florida House of Representatives - 1998

By the Committee on Health Care Services and Representative Albright

1 A bill to be entitled An act relating to health care; amending s. 2 3 455.654, F.S.; revising an exemption from the 4 definition of "referral"; providing conditions for forfeiture of the exemption; providing an 5 6 effective date. 7 8 Be It Enacted by the Legislature of the State of Florida: 9 10 Section 1. Paragraph (k) of subsection (3) of section 455.654, Florida Statutes, is amended to read: 11 12 455.654 Financial arrangements between referring 13 health care providers and providers of health care services .--(3) DEFINITIONS.--For the purpose of this section, the 14 15 word, phrase, or term: "Referral" means any referral of a patient by a 16 (k) 17 health care provider for health care services, including, 18 without limitation: 19 The forwarding of a patient by a health care 1. 20 provider to another health care provider or to an entity which provides or supplies designated health services or any other 21 22 health care item or service; or 23 The request or establishment of a plan of care by a 2. health care provider, which includes the provision of 24 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 By a radiologist for diagnostic-imaging services. a. 31 1

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1 By a physician specializing in the provision of b. 2 radiation therapy services for such services. By a medical oncologist for drugs and solutions to 3 с. be prepared and administered intravenously to such 4 5 oncologist's patient, as well as for the supplies and equipment used in connection therewith to treat such patient 6 7 for cancer and the complications thereof. 8 d. By a cardiologist for cardiac catheterization 9 services. 10 By a pathologist for diagnostic clinical laboratory e. tests and pathological examination services, if furnished by 11 or under the supervision of such pathologist pursuant to a 12 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 group practice. For a group practice, this exemption is 21 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 practice. For a sole provider, this exemption is forfeited if 25 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 By a health care provider for services provided by α. 30 an ambulatory surgical center licensed under chapter 395. 31

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1 h. By a health care provider for diagnostic clinical 2 laboratory services where such services are directly related 3 to renal dialysis. i. By a urologist for lithotripsy services. 4 5 By a dentist for dental services performed by an j. 6 employee of or health care provider who is an independent 7 contractor with the dentist or group practice of which the 8 dentist is a member. 9 k. By a physician for infusion therapy services to a 10 patient of that physician or a member of that physician's 11 group practice. 12 1. By a nephrologist for renal dialysis services and 13 supplies. Section 2. This act shall take effect October 1 of the 14 15 year in which enacted. 16 17 18 HOUSE SUMMARY 19 Exempts from the definition of "referral" health care items or services prescribed or provided for at least one-half of a provider's patients, and provided or performed under the direct supervision of the provider, whether a sole provider or a group practice. Provides for forfeiture of the exemption if referral is accepted by the provider from an outside physician with an investment interest in the provider's practice. 20 21 22 23 24 25 2.6 27 28 29 30 31

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