

By Representative Ogles

1 A bill to be entitled
2 An act relating to health care providers;
3 amending s. 455.654, F.S.; revising definitions
4 of "investment interest" and "referral" with
5 respect to financial arrangements between
6 referring health care providers and providers
7 of health care services; repealing s. 455.661,
8 F.S., relating to licensure of designated
9 health care services; providing an effective
10 date.

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

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14 Section 1. Paragraphs (i) and (k) of subsection (3) of
15 section 455.654, Florida Statutes, are amended to read:

16 455.654 Financial arrangements between referring
17 health care providers and providers of health care services.--

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

20 (i) "Investment interest" means an equity or debt
21 security issued by an entity, including, without limitation,
22 shares of stock in a corporation, units or other interests in
23 a partnership, bonds, debentures, notes, or other equity
24 interests or debt instruments. ~~Except for purposes of s.~~
25 ~~455.661,~~The following investment interests shall be excepted
26 from this definition:

- 27 1. An investment interest in an entity that is the
28 sole provider of designated health services in a rural area;
29 2. An investment interest in notes, bonds, debentures,
30 or other debt instruments issued by an entity which provides
31 designated health services, as an integral part of a plan by

1 such entity to acquire such investor's equity investment
2 interest in the entity, provided that the interest rate is
3 consistent with fair market value, and that the maturity date
4 of the notes, bonds, debentures, or other debt instruments
5 issued by the entity to the investor is not later than October
6 1, 1996.

7 3. An investment interest in real property resulting
8 in a landlord-tenant relationship between the health care
9 provider and the entity in which the equity interest is held,
10 unless the rent is determined, in whole or in part, by the
11 business volume or profitability of the tenant or exceeds fair
12 market value; or

13 4. An investment interest in an entity which owns or
14 leases and operates a hospital licensed under chapter 395 or a
15 nursing home facility licensed under chapter 400.

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 solely for such referring health care provider's or
18 group practice's own patients, and that are provided or
19 performed by or under the direct supervision of such referring
20 health care provider or group practice.

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

23 h. By a health care provider for diagnostic clinical
24 laboratory services where such services are directly related
25 to renal dialysis, provided that the entity does not have a
26 direct or indirect financial interest in the clinical
27 laboratory or the dialysis clinic.

28 i. By a urologist for lithotripsy services.

29 j. By a dentist for dental services performed by an
30 employee of or health care provider who is an independent
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1 contractor with the dentist or group practice of which the
2 dentist is a member.

3 k. By a physician for infusion therapy services to a
4 patient of that physician or a member of that physician's
5 group practice.

6 l. By a nephrologist for renal dialysis services and
7 supplies.

8 Section 2. Section 455.661, Florida Statutes, is
9 repealed.

10 Section 3. This act shall take effect October 1 of the
11 year in which enacted.

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HOUSE SUMMARY

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16 With respect to the "Patient Self-Referral Act of 1992,"
17 restricts an exemption from the definition of "referral,"
18 for health care providers referring patients for
19 diagnostic clinical laboratory services related to renal
20 dialysis, to those entities with no financial interest in
the clinical laboratory or dialysis clinic. Repeals a
requirement for licensure by the Agency for Health Care
Administration of business entities providing designated
health care services, and conforms definitions to said
repeal.

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