

By Senator Forman

32-694-99

1 A bill to be entitled
2 An act relating to referrals by health care
3 providers; amending s. 455.654, F.S.;
4 redefining the term "health care provider" to
5 include any business entity that provides
6 clinical laboratory services for kidney
7 dialysis or nephrology and that is vertically
8 integrated with another entity that provides
9 certain other related services; redefining the
10 term "referral" to remove provisions excluding
11 the orders, recommendations, and plans of care
12 by a nephrologist for renal dialysis services
13 and supplies from services that do not
14 constitute a referral by a health care
15 provider; providing an effective date.

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

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19 Section 1. Paragraphs (g) and (k) or subsection (3) of
20 section 455.654, Florida Statutes, 1998 Supplement, are
21 amended to read:

22 455.654 Financial arrangements between referring
23 health care providers and providers of health care services.--

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

26 (g) "Health care provider" means any physician
27 licensed under chapter 458, chapter 459, chapter 460, or
28 chapter 461; ~~or~~ any health care provider licensed under
29 chapter 463 or chapter 466; or any business entity operating
30 as a provider of clinical laboratory services for kidney
31 dialysis or nephrology which is vertically integrated with

1 another business entity that provides related services, except
2 services licensed under chapter 395.

3 (k) "Referral" means any referral of a patient by a
4 health care provider for health care services, including,
5 without limitation:

6 1. The forwarding of a patient by a health care
7 provider to another health care provider or to an entity which
8 provides or supplies designated health services or any other
9 health care item or service; or

10 2. The request or establishment of a plan of care by a
11 health care provider, which includes the provision of
12 designated health services or other health care item or
13 service.

14 3. The following orders, recommendations, or plans of
15 care shall not constitute a referral by a health care
16 provider:

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

18 b. By a physician specializing in the provision of
19 radiation therapy services for such services.

20 c. By a medical oncologist for drugs and solutions to
21 be prepared and administered intravenously to such
22 oncologist's patient, as well as for the supplies and
23 equipment used in connection therewith to treat such patient
24 for cancer and the complications thereof.

25 d. By a cardiologist for cardiac catheterization
26 services.

27 e. By a pathologist for diagnostic clinical laboratory
28 tests and pathological examination services, if furnished by
29 or under the supervision of such pathologist pursuant to a
30 consultation requested by another physician.

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1 f. By a health care provider who is the sole provider
2 or member of a group practice for designated health services
3 or other health care items or services that are prescribed or
4 provided solely for such referring health care provider's or
5 group practice's own patients, and that are provided or
6 performed by or under the direct supervision of such referring
7 health care provider or group practice.

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

10 h. By a health care provider for diagnostic clinical
11 laboratory services where such services are directly related
12 to renal dialysis.

13 i. By a urologist for lithotripsy services.

14 j. By a dentist for dental services performed by an
15 employee of or health care provider who is an independent
16 contractor with the dentist or group practice of which the
17 dentist is a member.

18 k. By a physician for infusion therapy services to a
19 patient of that physician or a member of that physician's
20 group practice.

21 ~~l. By a nephrologist for renal dialysis services and~~
22 ~~supplies.~~

23 Section 2. This act shall take effect July 1, 1999.

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26 SENATE SUMMARY

27 Revises the Patient Self-Referral Act of 1992. Redefines
28 the term "health care provider" to include a business
29 entity that provides clinical laboratory services for
30 kidney dialysis or nephrology and that is vertically
31 integrated with another entity that provides related
services, except services licensed under chapter 395,
Florida Statutes. Redefines the term "referral" to allow
referrals under the act by a nephrologist for renal
dialysis services and supplies.