

By Senator Gutman

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A bill to be entitled
An act relating to the Patient Self-Referral Act; amending s. 455.654, F.S.; defining the term "personal supervision" for purposes of regulating financial arrangements between referring health care providers and providers of health care services; redefining the term "referral" to exclude certain actions; providing an effective date.

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

Section 1. Present paragraphs (k) and (l) of subsection (3) of section 455.654, Florida Statutes, 1998 Supplement, are redesignated paragraphs (l) and (m), respectively, and amended, and new paragraph (k) is added to that subsection, to read:

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

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

(k) "Personal supervision" means that the health care provider is legally responsible for monitoring the quality, performance, and results of any test or other designated health service and is available to assist the individual who is furnishing the service, even though the health care provider need not be physically present while the service is being furnished.

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

- 1 1. The forwarding of a patient by a health care
2 provider to another health care provider or to an entity which
3 provides or supplies designated health services or any other
4 health care item or service; or
- 5 2. The request or establishment of a plan of care by a
6 health care provider, which includes the provision of
7 designated health services or other health care item or
8 service.
- 9 3. The following orders, recommendations, or plans of
10 care shall not constitute a referral by a health care
11 provider:
- 12 a. By a radiologist for diagnostic-imaging services.
13 b. By a physician specializing in the provision of
14 radiation therapy services for such services.
- 15 c. By a medical oncologist for drugs and solutions to
16 be prepared and administered intravenously to such
17 oncologist's patient, as well as for the supplies and
18 equipment used in connection therewith to treat such patient
19 for cancer and the complications thereof.
- 20 d. By a cardiologist for cardiac catheterization
21 services, cardiac services, or cardiac diagnostic imaging.
- 22 e. By a pathologist for diagnostic clinical laboratory
23 tests and pathological examination services, if furnished by
24 or under the supervision of such pathologist pursuant to a
25 consultation requested by another physician.
- 26 f. By a health care provider who is the sole provider
27 or member of a group practice for designated health services
28 or other health care items or services that are prescribed or
29 provided solely for such referring health care provider's or
30 group practice's own patients, and that are provided or
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1 performed by or under the direct supervision of such referring
2 health care provider or group practice.

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

5 h. By a health care provider for diagnostic clinical
6 laboratory services where such services are directly related
7 to renal dialysis.

8 i. By a urologist for lithotripsy services.

9 j. By a dentist for dental services performed by an
10 employee of or health care provider who is an independent
11 contractor with the dentist or group practice of which the
12 dentist is a member.

13 k. By a physician for infusion therapy services to a
14 patient of that physician or a member of that physician's
15 group practice.

16 l. By a nephrologist for renal dialysis services and
17 supplies.

18 m. By a neurologist for nerve conduction studies,
19 evoked potentials studies, and electroencephalograms (EEGs).

20 n. By a vascular surgeon for peripheral vascular
21 laboratories using doppler and vascular ultrasound.

22 o. By a physician specializing in physical medicine
23 and rehabilitation or occupational and environmental medicine
24 for evaluation procedures and therapeutic services.

25 p. By a health care provider for clinical laboratory
26 services or physical therapy services when the services are
27 provided either personally by, or under the personal
28 supervision of, the health care provider or another health
29 care provider in the same group practice and when the services
30 are provided in a building in which the health care provider

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1 or another health care provider who is a member of the same
2 group practice furnish health care services.

3 (m)~~(l)~~ "Rural area" means a county with a population
4 density of no greater than 100 persons per square mile, as
5 defined by the United States Census.

6 Section 2. This act shall take effect upon becoming a
7 law.

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SENATE SUMMARY

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Defines the term "personal supervision" for purposes of
the Patient Self-Referral Act and redefines the term
"referral" to exclude additional orders, recommendations,
and plans of care by a health care provider.

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