

Bill No. CS for SB 1652

Amendment No. Barcode 113226

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11 Senator Crist moved the following substitute for amendment
 12 (381076):

14 **Senate Amendment**

15 On page 4, line 9, through
 16 page 5, line 4, delete those lines

18 and insert:

19 400.4195 Rebates prohibited; penalties.--

20 (1) Except as provided in subsection (2), it is
 21 unlawful for any assisted living facility, or any person or
 22 agency employed by or contracting with the facility, licensed
 23 ~~under this part~~ to contract or promise to pay or receive any
 24 commission, bonus, kickback, or rebate or engage in any
 25 split-fee arrangement in any form whatsoever with any health
 26 care practitioner, health care facility, or other physician,
 27 ~~surgeon,~~ organization, agency, or person, either directly or
 28 indirectly, for residents referred to an assisted living
 29 facility ~~licensed under this part.~~

30 (2) A facility may employ or contract with persons or
 31 agencies to market the facility for a fee or commission based

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1 on the volume or value of referrals to the facility, provided
2 that:

3 (a) The facility is not subject to the provisions of
4 42 U.S.C. s. 1320a-7b;

5 (b) Payment to the contract provider is made under a
6 nonexclusive contract;

7 (c) The contract provider represents multiple
8 facilities with different owners;

9 (d) The employee or contract provider clearly
10 indicates to all clients prior to referral that he or she
11 represents the facility, in addition to all other facilities
12 represented by the person or agency; and

13 (e) The employee or contract provider also is not a
14 health care practitioner in a position to make referrals to an
15 assisted living facility or employed by a health care facility
16 or any other organization or agency in a position to make
17 referrals to an assisted living facility or does not have an
18 ownership interest in an assisted living facility.

19 (3) A person or agency independent of and not under
20 contract with a ~~the~~ facility may provide placement or referral
21 services for a fee to individuals seeking assistance in
22 finding a suitable facility; however, any fee paid for
23 placement or referral services must be paid by the individual
24 looking for a facility, not by the facility.

25 (4)(2) A violation of this section shall be considered
26 patient brokering and is punishable as provided in s. 817.505.

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