

Bill No. CS for SB 1652

Amendment No. Barcode 381076

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Senator Crist moved the following amendment:

Senate Amendment (with title amendment)

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

and insert:

400.4195 Rebates prohibited; penalties.--

(1) Except as provided in paragraph (a), paragraph
~~(b), or paragraph (c), it is unlawful for any assisted living~~
~~facility licensed under this part to contract or promise to~~
~~pay or receive any commission, bonus, kickback, or rebate or~~
~~engage in any split-fee arrangement in any form whatsoever~~
~~with any physician, surgeon, organization, agency, or person,~~
~~either directly or indirectly, for residents referred to an~~
~~assisted living facility licensed under this part. A facility~~
~~may employ or contract with persons to market the facility,~~
~~provided the employee or contract provider clearly indicates~~
~~that he or she represents the facility.~~

(a) Any assisted living facility licensed under this
part may contract with an independent marketing agency as

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1 defined in s. 400.4196.

2 (b) A person or agency independent of and not under
 3 contract with a ~~the~~ facility licensed under this part may
 4 provide placement or referral services for a fee to
 5 individuals seeking assistance in finding a suitable facility;
 6 however, any fee paid for placement or referral services must
 7 be paid by the individual looking for a facility, not by the
 8 facility.

9 (c) A facility may employ persons to market the
 10 facility.

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

13 Section 3. Section 400.4196, Florida Statutes, is
 14 created to read:

15 400.4196 Independent marketing agency.--

16 (1) As used in s. 400.4195 and this section, the term
 17 "independent marketing agency" means a person or corporation
 18 that:

19 (a) Is officially registered with the Department of
 20 State, Division of Corporations, to do business in this state;

21 (b) Enters into contracts with assisted living
 22 facilities under a nonexclusive contract to market the
 23 facility to prospective residents; and

24 (c)1. Represents multiple facilities with different
 25 owners; and

26 2. Clearly indicates to prospective residents, prior
 27 to referral, all facilities that are represented by the
 28 agency.

29 (2) A person who is licensed as a physician or other
 30 health care professional, or who is employed as a social
 31 worker or case manager by a state or federal government

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1 program, may not own or work for an independent marketing
2 agency.

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4 (Redesignate subsequent sections.)

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7 ===== T I T L E A M E N D M E N T =====

8 And the title is amended as follows:

9 On page 1, line 10, after the semicolon,

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11 insert:

12 creating s. 400.4196, F.S.; defining the term
13 "independent marketing agency"; prohibiting
14 certain professionals from working for such an
15 agency;

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