

Amendment No. ____ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Representative(s) Harper and Melvin offered the following:

Amendment to Amendment (160207)

On page 8, line 14 through page 9, line 13,
remove from the amendment: all of said lines

and insert in lieu thereof:

(1) "Broker" means any person not possessing a license or reporting under chapter 395, chapter 400, chapter 458, chapter 459, chapter 460, chapter 461, or chapter 641 who charges or receives compensation for any use of medical equipment. Broker shall be defined as: a person or entity which pays or receives a rebate or kickback in cash or in kind in exchange for the referral of a patient; a lessor, sublessor or other contractual arrangements for equipment where the payment for equipment varies based upon reimbursement by patient or insurance company is considered to be not at risk and is therefore a broker. A lessor, sublessor or other contractual arrangement for equipment where payments are made under such arrangements regardless of reimbursement is considered to be at risk and is therefore not a broker. For

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1 purposes of this section, such owner or lessee may be an
2 individual, a corporation, a partnership, or any other entity.
3 The term "broker" does not include a hospital or physician
4 management company whose medical equipment is ancillary to the
5 practices managed, a debt collection agency, or a magnetic
6 resonance imaging (MRI) provider or magnetic resonance imaging
7 (MRI) leasing company that has entered into a preferred
8 provider agreement (PPO) through good faith bargaining and
9 mutually acceptable terms and conditions to reduce costs and
10 prevent fraud, nor does the term include a management company
11 that has contracted to provide general management services for
12 a licensed physician or health care facility and whose
13 compensation is not materially affected by the usage or
14 frequency of usage of medical equipment or an entity that is
15 100-percent owned by one or more hospitals or physicians.

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