

Amendment No. 03 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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The Committee on Elder & Long-Term Care offered the following:

**Amendment**

On page 4, line 10 through page 5, line 4  
remove from the bill: all said lines

and insert in lieu thereof:

400.4195 Rebates prohibited; penalties.--

(1) Except as provided in subsections (a), (b), or (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 person or agency independent of the facility may provide placement or referral services for a fee to individuals seeking assistance in~~

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1 ~~finding a suitable facility; however, any fee paid for~~  
2 ~~placement or referral services must be paid by the individual~~  
3 ~~looking for a facility, not by the facility.~~

4 (a) Any assisted living facility licensed under this  
5 part may contract with an independent marketing agency as  
6 defined in s. 400.4196.

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

14 (c) A facility may employ persons to market the  
15 facility.

16  
17 ~~(2)~~A violation of this subsection ~~section~~ shall be considered  
18 patient brokering and is punishable as provided in s. 817.505.

19 Section 3. Section 400.4196, Florida Statutes, is  
20 created to read:

21 400.4196 Independent marketing agency.--

22 For the purpose of s. 400.4195, an independent  
23 marketing agency shall be defined as:

24 (1) A person or corporation officially registered with  
25 the Department of State, Division of Corporations to do  
26 business in the state;

27 (2) A person or corporation that enters into contracts  
28 with assisted living facilities under a nonexclusive contract  
29 to market the facility to prospective residents; and

30 (3) A person or corporation that:

31 (a) Represents multiple facilities with different

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1 owners; and  
 2 (b) Clearly indicates to prospective residents, prior  
 3 to referral, all facilities represented by the agency.  
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 5 Persons licensed as a physician or other health care  
 6 professional, or those employed as a social worker or case  
 7 manager by a state or federal government program may not own  
 8 or work for an independent marketing agency as defined herein.

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