

By Representative Rubio

1                                   A bill to be entitled  
2           An act relating to financial arrangements  
3           between referring health care providers and  
4           providers of health care services; amending s.  
5           456.053, F.S., the "Patient Self-Referral Act  
6           of 1992"; redefining the term "referral" by  
7           revising the list of practices that constitute  
8           exceptions; providing an effective date.

9  
10   Be It Enacted by the Legislature of the State of Florida:

11  
12           Section 1. Paragraph (o) of subsection (3) of section  
13   456.053, Florida Statutes, is amended to read:

14           456.053 Financial arrangements between referring  
15   health care providers and providers of health care services.--

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

18           (o) "Referral" means any referral of a patient by a  
19   health care provider for health care services, including,  
20   without limitation:

21           1. The forwarding of a patient by a health care  
22   provider to another health care provider or to an entity which  
23   provides or supplies designated health services or any other  
24   health care item or service; or

25           2. The request or establishment of a plan of care by a  
26   health care provider, which includes the provision of  
27   designated health services or other health care item or  
28   service.

29           3. The following orders, recommendations, or plans of  
30   care shall not constitute a referral by a health care  
31   provider:

- 1           a. By a radiologist for diagnostic-imaging services.
- 2           b. By a physician specializing in the provision of  
3 radiation therapy services for such services.
- 4           c. By a medical oncologist for drugs and solutions to  
5 be prepared and administered intravenously to such  
6 oncologist's patient, as well as for the supplies and  
7 equipment used in connection therewith to treat such patient  
8 for cancer and the complications thereof.
- 9           d. By a cardiologist for cardiac catheterization  
10 services.
- 11          e. By a pathologist for diagnostic clinical laboratory  
12 tests and pathological examination services, if furnished by  
13 or under the supervision of such pathologist pursuant to a  
14 consultation requested by another physician.
- 15          f. By a health care provider who is the sole provider  
16 or member of a group practice for designated health services  
17 or other health care items or services that are prescribed or  
18 provided solely for such referring health care provider's or  
19 group practice's own patients, and that are provided or  
20 performed by or under the direct supervision of such referring  
21 health care provider or group practice; provided, however,  
22 that effective July 1, 1999, a physician licensed pursuant to  
23 chapter 458, chapter 459, chapter 460, or chapter 461 may  
24 refer a patient to a sole provider or group practice for  
25 diagnostic imaging services, excluding radiation therapy  
26 services, for which the sole provider or group practice billed  
27 both the technical and the professional fee for or on behalf  
28 of the patient, if the referring physician has no investment  
29 interest in the practice. The diagnostic imaging service  
30 referred to a group practice or sole provider must be a  
31 diagnostic imaging service normally provided within the scope

1 of practice to the patients of the group practice or sole  
2 provider. The group practice or sole provider may accept no  
3 more that 15 percent of their patients receiving diagnostic  
4 imaging services from outside referrals, excluding radiation  
5 therapy services.

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

8 ~~h. By a health care provider for diagnostic clinical~~  
9 ~~laboratory services where such services are directly related~~  
10 ~~to renal dialysis.~~

11 ~~h.i.~~ By a urologist for lithotripsy services.

12 ~~i.j.~~ By a dentist for dental services performed by an  
13 employee of or health care provider who is an independent  
14 contractor with the dentist or group practice of which the  
15 dentist is a member.

16 ~~j.k.~~ By a physician for infusion therapy services to a  
17 patient of that physician or a member of that physician's  
18 group practice.

19 ~~k.l.~~ By a nephrologist for renal dialysis services and  
20 supplies, except laboratory services.

21 Section 2. This act shall take effect July 1, 2002.

22 \*\*\*\*\*

23  
24 SENATE SUMMARY

25 Revises the list of exclusions to the term "referral" as  
26 that term is used in s. 456.053, F.S., the "Patient  
27 Self-Referral Act of 1992."  
28  
29  
30  
31