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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/22/2011	.	
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The Committee on Health Regulation (Latvala) recommended the following:

Senate Amendment (with title amendment)

Between lines 3310 and 3311
insert:

Section 88. Section 429.195, Florida Statutes, is amended
to read:

429.195 Rebates prohibited; penalties.—

(1) 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 health
care provider or health care facility under s. 817.505



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13 ~~physician, surgeon, organization, agency, or person, either~~
14 ~~directly or indirectly, for residents referred to an assisted~~
15 ~~living facility licensed under this part. A facility may employ~~
16 ~~or contract with persons to market the facility, provided the~~
17 ~~employee or contract provider clearly indicates that he or she~~
18 ~~represents the facility. A person or agency independent of the~~
19 ~~facility may provide placement or referral services for a fee to~~
20 ~~individuals seeking assistance in finding a suitable facility;~~
21 ~~however, any fee paid for placement or referral services must be~~
22 ~~paid by the individual looking for a facility, not by the~~
23 ~~facility.~~

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

26 (3) This section does not apply to:

27 (a) An individual with whom the facility employs or
28 contracts with to market the facility if the individual clearly
29 indicates that he or she works with or for the facility.

30 (b) A referral service that provides information,
31 consultation, or referrals to consumers to assist them in
32 finding appropriate care or housing options for senior citizens
33 or disabled adults if such referred consumers are not Medicaid
34 recipients.

35 (c) A resident of an assisted living facility who refers to
36 the assisted living facility a friend, family member, or other
37 individual with whom the resident has a personal relationship,
38 and the assisted living facility is not prohibited from
39 providing a monetary reward to the resident for making such a
40 referral.

41 Section 89. Paragraph (j) is added to subsection (3) of



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42 section 817.505, Florida Statutes, to read:

43 817.505 Patient brokering prohibited; exceptions;
44 penalties.—

45 (3) This section shall not apply to:

46 (j) Any payment by an assisted living facility, as defined
47 in s. 429.02, which is permitted under s. 429.195(3).

48

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

50 And the title is amended as follows:

51 Delete line 260

52 and insert:

53 the definition of "health care provider"; amending s.
54 429.195, F.S.; prohibiting an assisted living facility
55 from contracting or promising to pay or receive any
56 commission, bonus, kickback, or rebate or engage in
57 any split-fee arrangement with any health care
58 provider or health care facility; providing
59 exceptions; amending s. 817.505, F.S.; providing that
60 it is not patient brokering for an assisted living
61 facility to offer payment under certain circumstances;
62 amending ss.