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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/16/2012	.	
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	.	

The Committee on Health Regulation (Norman) recommended the following:

Senate Amendment (with title amendment)

Between lines 227 and 228
insert:

Section 6. Section 429.195, Florida Statutes, is amended to read:

429.195 Rebates prohibited; penalties.—

(1) It is unlawful for an 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 person, health care provider, or health care facility as



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13 ~~provided under s. 817.505 physician, surgeon, organization,~~
14 ~~agency, or person, either directly or indirectly, for residents~~
15 ~~referred to an assisted living facility licensed under this~~
16 ~~part. A facility may employ or contract with persons to market~~
17 ~~the facility, provided the employee or contract provider clearly~~
18 ~~indicates that he or she represents the facility. A person or~~
19 ~~agency independent of the facility may provide placement or~~
20 ~~referral services for a fee to individuals seeking assistance in~~
21 ~~finding a suitable facility; however, any fee paid for placement~~
22 ~~or referral services must be paid by the individual looking for~~
23 ~~a facility, not by the facility.~~

24 (2) This section does not apply to:

25 (a) An individual employed by the assisted living facility,
26 or with whom the facility contracts to provide marketing
27 services for the facility, if the individual clearly indicates
28 that he or she works with or for the facility.

29 (b) Payments by an assisted living facility to a referral
30 service that provides information, consultation, or referrals to
31 consumers to assist them in finding appropriate care or housing
32 options for seniors or disabled adults if the referred consumers
33 are not Medicaid recipients.

34 (c) A resident of an assisted living facility who refers a
35 friend, family members, or other individuals with whom the
36 resident has a personal relationship to the assisted living
37 facility, in which case the assisted living facility may provide
38 a monetary reward to the resident for making such referral.

39 (3)~~(2)~~ A violation of this section is ~~shall be considered~~
40 patient brokering and is punishable as provided in s. 817.505.
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42 Between lines 266 and 267

43 insert:

44 Section 8. Paragraph (j) is added to subsection (3) of
45 section 817.505, Florida Statutes, to read:

46 817.505 Patient brokering prohibited; exceptions;
47 penalties.—

48 (3) This section shall not apply to:

49 (j) Any exemptions relating to assisted living facilities
50 provided under s. 429.195(2).

51

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

53 And the title is amended as follows:

54 Delete line 2

55 and insert:

56 An act relating to health care facilities; amending

57

58 Delete line 24

59 and insert:

60 429.195, F.S.; revising provisions prohibiting certain
61 rebates relating to assisted living facilities;
62 amending s. 429.905, F.S.; defining the term "day" for
63 purposes of

64

65 Delete lines 32 - 46

66 and insert:

67 amending s. 817.505, F.S.; conforming provisions to
68 changes made by the act; providing an effective date.