



208794

LEGISLATIVE ACTION

Senate	.	House
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Senator Fasano moved the following:

1 **Senate Amendment to Amendment (609984) (with title**
2 **amendment)**

3
4 Between lines 3687 and 3688
5 insert:

6 Section 87. Subsection (1) of section 483.245, Florida
7 Statutes, is amended, and subsection (3) is added to that
8 section, to read:

9 483.245 Rebates prohibited; penalties.—

10 (1) It is unlawful for any person to pay or receive any
11 commission, bonus, kickback, or rebate or engage in any split-
12 fee arrangement in any form whatsoever with any dialysis
13 facility, physician, surgeon, organization, agency, or person,



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14 either directly or indirectly, for patients referred to a
15 clinical laboratory licensed under this part. A clinical
16 laboratory is prohibited from providing, directly or indirectly,
17 through employees, contractors, an independent staffing company,
18 lease agreement, or otherwise, personnel to perform any
19 functions or duties in a physician's office, or any part of a
20 physician's office, for any purpose whatsoever, including for
21 the collection or handling of specimens, unless the laboratory
22 and the physician's office are wholly owned and operated by the
23 same entity. A clinical laboratory is prohibited from leasing
24 space within any part of a physician's office for any purpose,
25 including for the purpose of establishing a collection station.

26 (3) The agency shall promptly investigate all complaints of
27 noncompliance with subsection (1). The agency shall impose a
28 fine of \$5,000 for each separate violation of subsection (1). In
29 addition, the agency shall deny an application for a license or
30 license renewal if the applicant, or any other entity with one
31 or more common controlling interests in the applicant,
32 demonstrates a pattern of violating subsection (1). A pattern
33 may be demonstrated by a showing of at least two such
34 violations.

35
36 ===== T I T L E A M E N D M E N T =====

37 And the title is amended as follows:

38 Delete line 4303

39 and insert:

40 notice and impose administrative penalties and fines;
41 amending s. 483.245, F.S.; providing that a clinical
42 laboratory is prohibited from providing personnel to



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43 perform functions or duties in a physician's office
44 unless the laboratory and the physician's office are
45 owned and operated by the same entity; prohibiting a
46 clinical laboratory from leasing space in a
47 physician's office; requiring the agency to
48 investigate complaints, impose fines, and deny an
49 application for a license or license renewal under
50 certain circumstances;