

Amendment No.

CHAMBER ACTION

Senate

House

.

1 Representative Frishe offered the following:

2
3 **Amendment (with title amendments)**

4 Between lines 800 and 801, insert:

5 Section 18. Section 429.195, Florida Statutes, is amended
6 to read:

7 429.195 Rebates prohibited; penalties.—

8 (1) It is unlawful for an ~~any~~ assisted living facility
9 licensed under this part to contract or promise to pay or
10 receive any commission, bonus, kickback, or rebate or engage in
11 any split-fee arrangement in any form whatsoever with any
12 person, health care provider, or health care facility as
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~~
012657

Approved For Filing: 2/21/2012 1:47:17 PM

Amendment No.

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
26 facility, or with whom the facility contracts to provide
27 marketing services for the facility, if the individual clearly
28 indicates 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.

41
42 Between lines 872 and 873, insert:

43 Section 22. Paragraph (j) is added to subsection (3) of
44 section 817.505, Florida Statutes, to read:

012657

Approved For Filing: 2/21/2012 1:47:17 PM

Amendment No.

45 817.505 Patient brokering prohibited; exceptions;
46 penalties.-

47 (3) This section shall not apply to:

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

50

51 -----

52

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

53

Remove line 45 and insert:

54

having a value of \$10 or less; amending s. 429.195,

55

F.S.; revising provisions prohibiting certain rebates

56

relating to assisted living facilities; amending ss.

57

430.80,

58

59

Remove line 50 and insert:

60

nursing home administrator applicants; amending s.

61

817.505, F.S.; conforming provisions to changes made

62

by the act; providing an