

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Gonzalez offered the following:

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

4 Between lines 1041 and 1042, insert:

5 Section 16. Section 429.195, Florida Statutes, is amended
6 to read:

7 429.195 Rebates prohibited; penalties.—

8 (1) It is unlawful for 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 in s. 817.505 ~~physician, surgeon, organization, agency,~~
14 ~~or person, either directly or indirectly, for residents referred~~
15 ~~to an assisted living facility licensed under this part. A~~
16 ~~facility may employ or contract with persons to market the~~
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17 ~~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) Any individual employed by the assisted living
26 facility or with whom the facility contracts to market the
27 facility if the individual clearly indicates that he or she
28 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
33 consumers 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 Section 17. Paragraph (j) is added to subsection (3) of
42 section 817.505, Florida Statutes, to read:

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

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45 (3) This section shall not apply to:

46 (j) Any payment by an assisted living facility, as defined
47 in s. 429.02, or any agreement for or solicitation, offer, or
48 receipt of such payment by a referral service that is permitted
49 under s. 429.195(2).

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

53 Remove line 91 and insert:

54 living facility; amending s. 429.195, F.S.; revising
55 applicability of prohibitions on rebates provided by
56 an assisted living facility for certain referrals;
57 amending s. 817.505, F.S.; providing an exception from
58 prohibitions relating to patient brokering; creating
59 s. 429.231, F.S.; directing
60