



833398

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
11/13/2015	.	
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The Committee on Health Policy (Grimsley) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Paragraphs (c), (k), and (o) of subsection (3) of section 456.053, Florida Statutes, are amended to read:

456.053 Financial arrangements between referring health care providers and providers of health care services.—

(3) DEFINITIONS.—For the purpose of this section, the word, phrase, or term:



833398

11 (c) "Designated health services" means, ~~for purposes of~~
12 ~~this section,~~ clinical laboratory services, other than clinical
13 laboratory services incidental to renal dialysis, physical
14 therapy services, comprehensive rehabilitative services,
15 diagnostic-imaging services, and radiation therapy services.

16 (k) "Investment interest" means equities ~~an equity~~ or debt
17 securities ~~security~~ issued by an entity, including, without
18 limitation, shares of stock in a corporation, units or other
19 interests in a partnership, bonds, debentures, notes, or other
20 equity interests or debt instruments. The following investment
21 interests are ~~shall be~~ excepted from this definition:

22 1. An investment interest in an entity that is the sole
23 provider of designated health services or clinical laboratory
24 services incidental to renal dialysis in a rural area. ~~†~~

25 2. An investment interest in notes, bonds, debentures, or
26 other debt instruments issued by an entity that ~~which~~ provides
27 designated health services, as an integral part of a plan by the
28 ~~such~~ entity to acquire such investor's equity investment
29 interest in the entity, provided that the interest rate is
30 consistent with fair market value, and that the maturity date of
31 the notes, bonds, debentures, or other debt instruments issued
32 by the entity to the investor is not later than October 1, 1996.

33 3. An investment interest in real property which results
34 ~~resulting~~ in a landlord-tenant relationship between the health
35 care provider and the entity in which the equity interest is
36 held, unless the rent is determined, in whole or in part, by the
37 business volume or profitability of the tenant or exceeds fair
38 market value. ~~† or~~

39 4. An investment interest in an entity that ~~which~~ owns or



833398

40 leases and operates a hospital licensed under chapter 395 or a
41 nursing home facility licensed under chapter 400.

42 (o) "Referral" means any referral of a patient by a health
43 care provider for health care services, including, without
44 limitation, ~~÷~~

45 ~~1.~~ the forwarding of a patient by a health care provider to
46 another health care provider or to an entity that ~~which~~ provides
47 or supplies designated health services or any other health care
48 item or service; or

49 ~~2.~~ the request or establishment of a plan of care by a
50 health care provider, which includes the provision of designated
51 health services or other health care items or services. An
52 order, a recommendation, or a plan of care for the services or
53 supplies listed in the following subparagraphs does ~~item or~~
54 service.

55 ~~3.~~ ~~The following orders, recommendations, or plans of care~~
56 ~~shall~~ not constitute a referral if it is issued or made by the a
57 health care provider designated in the applicable subparagraph:

58 ~~1.a.~~ ~~By a radiologist for Diagnostic-imaging services, if~~
59 issued or made by a radiologist or

60 ~~b.~~ ~~by a physician specializing in the provision of~~
61 radiation therapy services for such diagnostic-imaging services.

62 ~~2.c.~~ ~~By a medical oncologist for Drugs and solutions to be~~
63 prepared and administered intravenously to a such oncologist's
64 patient, and as well as for the supplies and equipment used in
65 connection with the preparation and intravenous administration
66 of such drugs and solutions, therewith to treat the such patient
67 for cancer and related the complications, if issued or made by a
68 medical oncologist thereof.



833398

69 ~~3.d. By a cardiologist for~~ Cardiac catheterization
70 services, if issued or made by a cardiologist.

71 ~~4.e. By a pathologist for~~ Diagnostic clinical laboratory
72 tests and pathological examination services, if issued or made
73 by a pathologist and the tests or services are furnished by or
74 under the supervision of the ~~such~~ pathologist pursuant to a
75 consultation requested by another physician.

76 ~~5.f. All services and supplies for which an order,~~
77 recommendation, or plan of care is issued or made by a health
78 care provider who is the sole provider or member of a group
79 practice for designated health services or other health care
80 items or services that are prescribed or provided solely for
81 such ~~referring~~ health care provider's or group practice's own
82 patients, ~~and that are~~ provided or performed by or under the
83 direct supervision of such ~~referring~~ health care provider or
84 group practice. ~~;~~ ~~provided,~~ However, ~~that~~ effective July 1, 1999,
85 a physician licensed under ~~pursuant to~~ chapter 458, chapter 459,
86 chapter 460, or chapter 461 may refer a patient to a sole
87 provider or group practice for diagnostic imaging services,
88 excluding radiation therapy services, for which the sole
89 provider or group practice billed both the technical and the
90 professional fee for or on behalf of the patient, if the
91 referring physician has no investment interest in the practice.
92 The diagnostic imaging service referred to a group practice or
93 sole provider must be a diagnostic imaging service normally
94 provided within the scope of practice to the patients of the
95 group practice or sole provider. The group practice or sole
96 provider may accept no more than 15 percent of its ~~their~~
97 patients receiving diagnostic imaging services from outside



833398

98 referrals, excluding radiation therapy services.

99 ~~6.g. By a health care provider for~~ Services provided at by
100 an ambulatory surgical center licensed under chapter 395, or
101 services related to sleep-related testing, if issued or made by
102 any health care provider licensed in this state.

103 ~~7.h. By a urologist for~~ Lithotripsy services, if issued or
104 made by a urologist.

105 ~~8.i. By a dentist for~~ Dental services performed by an
106 employee of or a health care provider or an employee of a health
107 care provider who is an independent contractor of a ~~with the~~
108 dentist or group practice of which the dentist is a member, if
109 issued or made by the dentist.

110 ~~9.j. By a physician for~~ Infusion therapy services for ~~to~~ a
111 patient of a ~~that~~ physician or a member of the ~~that~~ physician's
112 group practice, if issued or made by the physician.

113 ~~10.k. By a nephrologist for~~ Renal dialysis services,
114 including clinical laboratory services incidental to renal
115 dialysis, and supplies, if issued or made by a nephrologist
116 except laboratory services.

117 ~~11.l. All services and supplies for which an order,~~
118 recommendation, or plan of care is issued or made by a health
119 care provider whose principal professional practice consists of
120 treating patients in their private residences for services ~~to be~~
121 rendered in such private residences, excluding ~~except for~~
122 services rendered by a home health agency licensed under chapter
123 400. For purposes of this subparagraph ~~sub-subparagraph~~, the
124 term "private residences" includes patients' private homes,
125 independent living centers, and assisted living facilities, but
126 does not include skilled nursing facilities.



833398

127 ~~m. By a health care provider For Sleep-related testing.~~

128 Section 2. This act shall take effect July 1, 2016.

129

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

131 And the title is amended as follows:

132 Delete everything before the enacting clause

133 and insert:

134 A bill to be entitled

135 An act relating to financial arrangements between

136 referring health care providers and providers of

137 health care services; amending s. 456.053, F.S.;

138 exempting clinical laboratory services incidental to

139 renal dialysis from the definition of "designated

140 health services"; providing that the definition of

141 "investment interest" does not include investment

142 interests in an entity that is the sole provider of

143 clinical laboratory services incidental to renal

144 dialysis in a rural area; excluding orders,

145 recommendations, or plans of care by a nephrologist

146 for clinical laboratory services incidental to renal

147 dialysis from the definition of "referral"; providing

148 an effective date.