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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
11/17/2015	.	
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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:



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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



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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 which provides or
47 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 item or service.

52 3. The following orders, recommendations, or plans of care
53 shall not constitute a referral by a health care provider:

54 a. By a radiologist for diagnostic-imaging services.

55 b. By a physician specializing in the provision of
56 radiation therapy services for such services.

57 c. By a medical oncologist for drugs and solutions to be
58 prepared and administered intravenously to such oncologist's
59 patient, as well as for the supplies and equipment used in
60 connection therewith to treat such patient for cancer and the
61 complications thereof.

62 d. By a cardiologist for cardiac catheterization services.

63 e. By a pathologist for diagnostic clinical laboratory
64 tests and pathological examination services, if furnished by or
65 under the supervision of such pathologist pursuant to a
66 consultation requested by another physician.

67 f. By a health care provider who is the sole provider or
68 member of a group practice for designated health services or



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69 other health care items or services that are prescribed or
70 provided solely for such referring health care provider's or
71 group practice's own patients, and that are provided or
72 performed by or under the direct supervision of such referring
73 health care provider or group practice; provided, however, that
74 effective July 1, 1999, a physician licensed pursuant to chapter
75 458, chapter 459, chapter 460, or chapter 461 may refer a
76 patient to a sole provider or group practice for diagnostic
77 imaging services, excluding radiation therapy services, for
78 which the sole provider or group practice billed both the
79 technical and the professional fee for or on behalf of the
80 patient, if the referring physician has no investment interest
81 in the practice. The diagnostic imaging service referred to a
82 group practice or sole provider must be a diagnostic imaging
83 service normally provided within the scope of practice to the
84 patients of the group practice or sole provider. The group
85 practice or sole provider may accept no more than 15 percent of
86 their patients receiving diagnostic imaging services from
87 outside referrals, excluding radiation therapy services.

88 g. By a health care provider for services provided by an
89 ambulatory surgical center licensed under chapter 395.

90 h. By a urologist for lithotripsy services.

91 i. By a dentist for dental services performed by an
92 employee of or health care provider who is an independent
93 contractor with the dentist or group practice of which the
94 dentist is a member.

95 j. By a physician for infusion therapy services to a
96 patient of that physician or a member of that physician's group
97 practice.



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98 k. By a nephrologist for renal dialysis services, and
99 supplies, or clinical laboratory services incidental to renal
100 dialysis ~~except laboratory services.~~

101 l. By a health care provider whose principal professional
102 practice consists of treating patients in their private
103 residences for services to be rendered in such private
104 residences, except for services rendered by a home health agency
105 licensed under chapter 400. For purposes of this sub-
106 subparagraph, the term "private residences" includes patients'
107 private homes, independent living centers, and assisted living
108 facilities, but does not include skilled nursing facilities.

109 m. By a health care provider for sleep-related testing.

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

111
112 ===== T I T L E A M E N D M E N T =====

113 And the title is amended as follows:

114 Delete everything before the enacting clause
115 and insert:

116 A bill to be entitled
117 An act relating to financial arrangements between
118 referring health care providers and providers of
119 health care services; amending s. 456.053, F.S.;
120 exempting clinical laboratory services incidental to
121 renal dialysis from the definition of "designated
122 health services"; providing that the definition of
123 "investment interest" does not include investment
124 interests in an entity that is the sole provider of
125 clinical laboratory services incidental to renal
126 dialysis in a rural area; excluding orders,



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127 recommendations, or plans of care by a nephrologist
128 for clinical laboratory services incidental to renal
129 dialysis from the definition of "referral"; providing
130 an effective date.