

By the Committee on Health Policy; and Senator Grimsley

588-01306-16

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1                   A bill to be entitled  
2       An act relating to financial arrangements between  
3       referring health care providers and providers of  
4       health care services; amending s. 456.053, F.S.;  
5       exempting clinical laboratory services incidental to  
6       renal dialysis from the definition of "designated  
7       health services"; providing that the definition of  
8       "investment interest" does not include investment  
9       interests in an entity that is the sole provider of  
10      clinical laboratory services incidental to renal  
11      dialysis in a rural area; excluding orders,  
12      recommendations, or plans of care by a nephrologist  
13      for clinical laboratory services incidental to renal  
14      dialysis from the definition of "referral"; providing  
15      an effective date.

16  
17 Be It Enacted by the Legislature of the State of Florida:

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

21       456.053 Financial arrangements between referring health  
22 care providers and providers of health care services.—

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

25       (c) "Designated health services" means, ~~for purposes of~~  
26 ~~this section,~~ clinical laboratory services, other than clinical  
27 laboratory services incidental to renal dialysis, physical  
28 therapy services, comprehensive rehabilitative services,  
29 diagnostic-imaging services, and radiation therapy services.

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

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

39 2. An investment interest in notes, bonds, debentures, or  
40 other debt instruments issued by an entity that ~~which~~ provides  
41 designated health services, as an integral part of a plan by the  
42 ~~such~~ entity to acquire such investor's equity investment  
43 interest in the entity, provided that the interest rate is  
44 consistent with fair market value, and that the maturity date of  
45 the notes, bonds, debentures, or other debt instruments issued  
46 by the entity to the investor is not later than October 1, 1996.

47 3. An investment interest in real property which results  
48 ~~resulting~~ in a landlord-tenant relationship between the health  
49 care provider and the entity in which the equity interest is  
50 held, unless the rent is determined, in whole or in part, by the  
51 business volume or profitability of the tenant or exceeds fair  
52 market value.~~† or~~

53 4. An investment interest in an entity that ~~which~~ owns or  
54 leases and operates a hospital licensed under chapter 395 or a  
55 nursing home facility licensed under chapter 400.

56 (o) "Referral" means any referral of a patient by a health  
57 care provider for health care services, including, without  
58 limitation:

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59           1. The forwarding of a patient by a health care provider to  
60 another health care provider or to an entity which provides or  
61 supplies designated health services or any other health care  
62 item or service; or

63           2. The request or establishment of a plan of care by a  
64 health care provider, which includes the provision of designated  
65 health services or other health care item or service.

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

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

69           b. By a physician specializing in the provision of  
70 radiation therapy services for such services.

71           c. By a medical oncologist for drugs and solutions to be  
72 prepared and administered intravenously to such oncologist's  
73 patient, as well as for the supplies and equipment used in  
74 connection therewith to treat such patient for cancer and the  
75 complications thereof.

76           d. By a cardiologist for cardiac catheterization services.

77           e. By a pathologist for diagnostic clinical laboratory  
78 tests and pathological examination services, if furnished by or  
79 under the supervision of such pathologist pursuant to a  
80 consultation requested by another physician.

81           f. By a health care provider who is the sole provider or  
82 member of a group practice for designated health services or  
83 other health care items or services that are prescribed or  
84 provided solely for such referring health care provider's or  
85 group practice's own patients, and that are provided or  
86 performed by or under the direct supervision of such referring  
87 health care provider or group practice; provided, however, that

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88 effective July 1, 1999, a physician licensed pursuant to chapter  
89 458, chapter 459, chapter 460, or chapter 461 may refer a  
90 patient to a sole provider or group practice for diagnostic  
91 imaging services, excluding radiation therapy services, for  
92 which the sole provider or group practice billed both the  
93 technical and the professional fee for or on behalf of the  
94 patient, if the referring physician has no investment interest  
95 in the practice. The diagnostic imaging service referred to a  
96 group practice or sole provider must be a diagnostic imaging  
97 service normally provided within the scope of practice to the  
98 patients of the group practice or sole provider. The group  
99 practice or sole provider may accept no more than 15 percent of  
100 their patients receiving diagnostic imaging services from  
101 outside referrals, excluding radiation therapy services.

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

104 h. By a urologist for lithotripsy services.

105 i. By a dentist for dental services performed by an  
106 employee of or health care provider who is an independent  
107 contractor with the dentist or group practice of which the  
108 dentist is a member.

109 j. By a physician for infusion therapy services to a  
110 patient of that physician or a member of that physician's group  
111 practice.

112 k. By a nephrologist for renal dialysis services, and  
113 supplies, or clinical laboratory services incidental to renal  
114 dialysis ~~except laboratory services.~~

115 l. By a health care provider whose principal professional  
116 practice consists of treating patients in their private

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117 residences for services to be rendered in such private  
118 residences, except for services rendered by a home health agency  
119 licensed under chapter 400. For purposes of this sub-  
120 subparagraph, the term "private residences" includes patients'  
121 private homes, independent living centers, and assisted living  
122 facilities, but does not include skilled nursing facilities.

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

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