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LEGISLATIVE ACTION

Senate

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House

The Committee on Appropriations (Grimsley) recommended the following:

Senate Amendment (with title amendment)

Between lines 2418 and 2419

insert:

Section 88. Subsection (3) of section 456.054, Florida Statutes, is renumbered as subsection (4), and a new subsection (3) is added to that section, to read:

456.054 Kickbacks prohibited.—

(3) (a) It is unlawful for any person or any entity to pay or receive, directly or indirectly, a commission, bonus,



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11 kickback, or rebate from, or to engage in any form of a split-
12 fee arrangement with, a dialysis facility, health care
13 practitioner, surgeon, person, or entity for referring patients
14 to a clinical laboratory as defined in s. 483.803.

15 (b) It is unlawful for any clinical laboratory to:

16 1. Provide personnel to perform any functions or duties in
17 a health care practitioner's office or dialysis facility for any
18 purpose, including for the collection or handling of specimens,
19 directly or indirectly through an employee, contractor,
20 independent staffing company, lease agreement, or otherwise,
21 unless the laboratory and the practitioner's office, or dialysis
22 facility, are wholly owned and operated by the same entity.

23 2. Lease space within any part of a health care
24 practitioner's office or dialysis facility for any purpose,
25 including for the purpose of establishing a collection station
26 where materials or specimens are collected or drawn from
27 patients.

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

30 And the title is amended as follows:

31 Delete line 189

32 and insert:

33 Enforcement; amending s. 456.054, F.S.; providing that
34 it is unlawful for a person or entity to pay or
35 receive a commission, bonus, kickback, or rebate from,
36 or engage in certain split-fee agreements with,
37 specified persons and entities for referring patients
38 to a clinical laboratory; prohibiting a clinical
39 laboratory from performing functions or duties in



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40 health care practitioner's offices and in certain
41 facilities under certain circumstances; prohibiting a
42 clinical laboratory from leasing space within any part
43 of a health care practitioner's office or a certain
44 facility; repealing part I of ch. 483, F.S.,