



905900

LEGISLATIVE ACTION

Senate

.  
. .  
. .  
. .  
. .

House

---

The Committee on Appropriations (Grimsley) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 2450 - 2473

and insert:

Section 90. Paragraph (i) of subsection (1) of section 458.331, Florida Statutes, is amended to read:

458.331 Grounds for disciplinary action; action by the board and department.—

(1) The following acts constitute grounds for denial of a license or disciplinary action, as specified in s. 456.072(2):



905900

11 (i) Paying or receiving any commission, bonus, kickback, or  
12 rebate, or engaging in any split-fee arrangement in any form  
13 whatsoever with a physician, organization, agency, or person,  
14 either directly or indirectly, for patients referred to  
15 providers of health care goods and services, including, but not  
16 limited to, hospitals, nursing homes, clinical laboratories,  
17 ambulatory surgical centers, or pharmacies. ~~The provisions of~~  
18 This paragraph may shall not be construed to prevent a physician  
19 from receiving one or more of the following forms of payment or  
20 compensation:

- 21 1. A fee for professional consultation services; or  
22 2. If the physician is an employee or independent  
23 contractor of the entity compensating the physician, a share of:  
24 a. Profits, collections, or revenues based on the  
25 professional services rendered or directly supervised by the  
26 physician and provided on behalf of the entity compensating the  
27 physician; or  
28 b. Overall profit or revenue of the entity compensating the  
29 physician provided that such share is not determined in a manner  
30 that directly takes into account the volume or value of services  
31 ordered by, but not performed or directly supervised by, the  
32 physician.

33 Section 91. Subsection (1) of section 458.345, Florida  
34 Statutes, is amended to read:

35 458.345 Registration of resident physicians, interns, and  
36 fellows; list of hospital employees; prescribing of medicinal  
37 drugs; penalty.—

38 (1) Any person desiring to practice as a resident  
39 physician, assistant resident physician, house physician,



905900

40 intern, or fellow in fellowship training which leads to  
41 subspecialty board certification in this state, or any person  
42 desiring to practice as a resident physician, assistant resident  
43 physician, house physician, intern, or fellow in fellowship  
44 training in a teaching hospital in this state as defined in s.  
45 408.07(44) ~~s. 408.07(45)~~ or s. 395.805(2), who does not hold a  
46 valid, active license issued under this chapter shall apply to  
47 the department to be registered and shall remit a fee not to  
48 exceed \$300 as set by the board. The department shall register  
49 any applicant the board certifies has met the following  
50 requirements:

51 (a) Is at least 21 years of age.

52 (b) Has not committed any act or offense within or without  
53 the state which would constitute the basis for refusal to  
54 certify an application for licensure pursuant to s. 458.331.

55 (c) Is a graduate of a medical school or college as  
56 specified in s. 458.311(1)(f).

57 Section 92. Paragraph (j) of subsection (1) of section  
58 459.015, Florida Statutes, is amended to read:

59 459.015 Grounds for disciplinary action; action by the  
60 board and department.—

61 (1) The following acts constitute grounds for denial of a  
62 license or disciplinary action, as specified in s. 456.072(2):

63 (j) Paying or receiving any commission, bonus, kickback, or  
64 rebate, or engaging in any split-fee arrangement in any form  
65 whatsoever with a physician, organization, agency, person,  
66 partnership, firm, corporation, or other business entity, for  
67 patients referred to providers of health care goods and  
68 services, including, but not limited to, hospitals, nursing



905900

69 homes, clinical laboratories, ambulatory surgical centers, or  
70 pharmacies. ~~The provisions of~~ This paragraph ~~may shall~~ not be  
71 construed to prevent an osteopathic physician from receiving one  
72 or more of the following forms of payment or compensation:

73 1. A fee for professional consultation services; or

74 2. If the osteopathic physician is an employee or  
75 independent contractor of the entity compensating the  
76 osteopathic physician, a share of:

77 a. Profits, collections, or revenues based on the  
78 professional services rendered or directly supervised by the  
79 osteopathic physician and provided on behalf of the entity  
80 compensating the osteopathic physician; or

81 b. Overall profit or revenue of the entity compensating the  
82 osteopathic physician provided that such share is not determined  
83 in a manner that directly takes into account the volume or value  
84 of services ordered by, but not performed or directly supervised  
85 by, the osteopathic physician.

86  
87 ===== T I T L E A M E N D M E N T =====

88 And the title is amended as follows:

89 Delete line 189

90 and insert:

91 Enforcement; amending ss. 458.331 and 459.015, F.S.;

92 revising an exemption relating to grounds for

93 disciplinary action by the Boards of Medicine and

94 Osteopathic Medicine and the Department of Health to

95 authorize specified forms of payment to a physician or

96 osteopathic physician, respectively; repealing part I

97 of ch. 483, F.S.,