

1                                   A bill to be entitled  
 2           An act relating to physician fee sharing; amending ss.  
 3           458.331 and 459.015, F.S.; revising an exemption  
 4           relating to grounds for disciplinary action by the  
 5           Boards of Medicine and Osteopathic Medicine and the  
 6           Department of Health to authorize specified forms of  
 7           payment to a physician or osteopathic physician,  
 8           respectively; providing an effective date.

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 10 Be It Enacted by the Legislature of the State of Florida:

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 12           Section 1. Paragraph (i) of subsection (1) of section  
 13 458.331, Florida Statutes, is amended to read:

14           458.331 Grounds for disciplinary action; action by the  
 15 board and department.—

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

18           (i) Paying or receiving any commission, bonus, kickback,  
 19 or rebate, or engaging in any split-fee arrangement in any form  
 20 whatsoever with a physician, organization, agency, or person,  
 21 either directly or indirectly, for patients referred to  
 22 providers of health care goods and services, including, but not  
 23 limited to, hospitals, nursing homes, clinical laboratories,  
 24 ambulatory surgical centers, or pharmacies. The provisions of  
 25 this paragraph shall not be construed to prevent a physician

26 | from receiving one or more of the following forms of payment or  
 27 | compensation:

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

40 |     Section 2. Paragraph (j) of subsection (1) of section  
 41 | 459.015, Florida Statutes, is amended to read:

42 |     459.015 Grounds for disciplinary action; action by the  
 43 | board and department.—

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

46 |     (j) Paying or receiving any commission, bonus, kickback,  
 47 | or rebate, or engaging in any split-fee arrangement in any form  
 48 | whatsoever with a physician, organization, agency, person,  
 49 | partnership, firm, corporation, or other business entity, for  
 50 | patients referred to providers of health care goods and

51 services, including, but not limited to, hospitals, nursing  
52 homes, clinical laboratories, ambulatory surgical centers, or  
53 pharmacies. The provisions of this paragraph shall not be  
54 construed to prevent an osteopathic physician from receiving one  
55 or more of the following forms of payment or compensation:

56 1. A fee for professional consultation services; or

57 2. If the osteopathic physician is an employee or  
58 independent contractor of the entity compensating the  
59 osteopathic physician, a share of:

60 a. Profits, collections, or revenues based on the  
61 professional services rendered or directly supervised by the  
62 osteopathic physician and provided on behalf of the entity  
63 compensating the osteopathic physician; or

64 b. Overall profit or revenue of the entity compensating  
65 the osteopathic physician provided that such share is not  
66 determined in a manner that directly takes into account the  
67 volume or value of services ordered by, but not performed or  
68 directly supervised by, the osteopathic physician.

69 Section 3. This act shall take effect July 1, 2018.