



859122

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.