

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for House Bill No. 410, Page 10, Section 334.613, Line 237,
2 by inserting after all of said section and line the following:

3
4 ~~"[334.253. 1. A physician may not make a referral to an entity for the furnishing of any~~
5 ~~physical therapy services with whom the physician, physician's employer, or immediate family~~
6 ~~member of such referring physician has a financial relationship. A financial relationship exists if~~
7 ~~the referring physician, the referring physician's employer, or immediate family member:~~

8 ~~—— (1) Has a direct or indirect ownership or investment interest in the entity whether through~~
9 ~~equity, debt, or other means; or~~

10 ~~—— (2) Receives remuneration from a compensation arrangement from the entity for the~~
11 ~~referral.~~

12 ~~—— 2. The following financial arrangements shall be exempt from disciplinary action under this~~
13 ~~section:~~

14 ~~—— (1) When the entity with whom the referring physician has an ownership or investment~~
15 ~~interest is the sole provider of the physical therapy service within a rural area;~~

16 ~~—— (2) When the referring physician owns registered securities issued by a publicly held~~
17 ~~corporation or publicly traded limited partnership, the shares of which are traded on a national~~
18 ~~exchange or the over-the-counter market, provided that such referring physician's interest in the~~
19 ~~publicly held corporation or publicly traded limited partnership is less than five percent and the~~
20 ~~referring physician does not receive any compensation from such publicly held corporation or~~
21 ~~publicly traded limited partnership other than as any other owner of the shares of such publicly held~~
22 ~~corporation or publicly traded limited partnership;~~

23 ~~—— (3) When the referring physician has an interest in real property resulting in a landlord-~~
24 ~~tenant relationship between the physician and the entity in which the equity interest is held, unless~~
25 ~~the rent is determined, in whole or in part, by the business volume or profitability of the tenant or is~~
26 ~~otherwise unrelated to fair market value;~~

27 ~~—— (4) When the indirect ownership in the entity is by means of a bona fide debt incurred in the~~
28 ~~purchase or acquisition of the entity for a price which does not in any manner reflect the potential~~
29 ~~source of referrals from the physician with the indirect interest in the entity and the terms of the debt~~
30 ~~are fair market value, and neither the amount or the terms of the debt in any manner, directly or~~
31 ~~indirectly, constitutes a form of compensating such physician for the source of his business;~~

32 ~~—— (5) When such physician's employer is a health maintenance organization as defined in~~
33 ~~subdivision (6) of section 376.960 and such health maintenance organization owns or controls other~~
34 ~~organizations which furnish physical therapy services so long as the referral is to such owned or~~
35 ~~controlled organization and the physician does not also have a direct or indirect ownership or~~
36 ~~investment interest in such organization, physical therapy services or the health maintenance~~

Action Taken _____ Date _____

1 ~~organization and the referring physician does not receive any remuneration as the result of the~~
2 ~~referral;~~

3 ~~———(6) When such physician's employer is a hospital defined in section 197.020 and such~~
4 ~~hospital owns or controls other organizations which furnish physical therapy services so long as the~~
5 ~~referral is to such owned or controlled organization and the physician does not also have a direct or~~
6 ~~indirect ownership or investment interest in such organization, physical therapy service, or the~~
7 ~~hospital and the referring physician does not receive any remuneration as the result of the referral.~~

8 ~~———3. The provisions of sections 334.252 and 334.253 shall become effective January 1,~~
9 ~~1995.]"; and~~

10
11 Further amend said bill by amending the title, enacting clause, and intersectional references
12 accordingly.