



September 24, 2002

Dear Health Care Provider:

During the 2002 special legislative session, Chapter 2002-389, Laws of Florida was enacted amending, among other provisions, section 456.053, Florida Statutes known as the "Patient Self-Referral Act of 1992". The purpose of this correspondence is to advise you of these changes.

The statutory changes to section 456.053, Florida Statutes modified paragraph (3)(o) that created exclusions to the act. Effective October 1, 2002 the following changes are made:

- I. The exclusion for orders, recommendations, or plans of care by a health care provider for diagnostic clinical laboratory services where such services are directly related to renal dialysis was eliminated. Thus any such referral of a patient by a health care provider must be done in compliance with this Act.
- II. The exclusion for orders, recommendations, or plans of care by a nephrologist for renal dialysis services and supplies was modified to exclude from the exclusion laboratory services. Thus, any such referral of a patient by a nephrologist for services that include laboratory services must be done in compliance with this Act.
- III. There was created an exclusion for orders, recommendations, or plans of care by a health care provider whose principal professional practice consists of treating patients in their private residences for services to be rendered in such private residences, except for services rendered by a home health agency licensed under chapter 400. For purposes of this sub-paragraph, the term "private residences" includes patient's private homes, independent living centers, and assisted living facilities, but does not include skilled nursing facilities.

Any health care practitioner who is subject to this Act will be disciplined by the practitioner's respective board in accordance with the board's disciplinary rules. Any hospital that is subject to this Act will be disciplined in accordance with section 395.0185(2), Florida Statutes and the rules adopted by the Agency for Health Care Administration. For further clarification, section 456.053, Florida Statutes, may be viewed at www.leg.state.fl.us/statutes.

It is our hope that this information will be helpful to you in your practice. If you are a health care practitioner and you have questions, please contact me at amy_jones@doh.state.fl.us. If you are a hospital or other health care facility and you have questions, please contact Mary Loepp at loeppm@fdhc.state.fl.us.

Sincerely,

Amy M. Jones, J.D.
Division Director
Medical Quality Assurance