

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By \_\_\_\_\_

1 AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for  
2 Senate Bill No. 843, Page 46, Section 332.086, Line 37, by inserting after all of said section and  
3 line the following:  
4

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

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

11 (2) Receives remuneration from a compensation arrangement from the entity for the  
12 referral.

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

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

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

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

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

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

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1 investment interest in such organization, physical therapy services or the health maintenance  
2 organization and the referring physician does not receive any remuneration as the result of the  
3 referral;

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

9 (7) When such physician has direct or indirect minority ownership or investment interest of  
10 not more than five percent in a hospital, as defined in section 197.020, whether through equity, debt,  
11 or other means and physical therapy is offered as a service of the hospital.

12 3. The provisions of sections 334.252 and 334.253 shall become effective January 1, 1995.";  
13 and

14  
15 Further amend said bill by amending the title, enacting clause, and intersectional references  
16 accordingly.