

CS/HB 649 – Patient Brokering

This bill amends s. 817.505(3)(a), F.S., removing the language stating that any discount, payment, waiver of payment, or payment practice expressly authorized under the federal language would not apply as offenses considered to be patient brokering. Instead, the following would be used: “Any discount, payment, waiver of payment, or payment practice not prohibited by 42 U.S.C. s.1320a-7b(b) or regulations promulgated thereunder regardless of whether such discount, payment, waiver of payment, or payment practice involves items or services for which payment may be made in whole or in part under federal healthcare programs as defined in 42 U.S.C. s. 1320a-7b(f), as that definition exists on July 1, 2020.” Such change to the language would expand the number of payment structures permitted under this statute beyond the ten currently listed under federal statute.

Multiple felonies exist under s. 817.505(3)(a), F.S. that could be impacted by this change in permitted payments. Per DOC, in FY 18-19, there were 5 new commitments to prison for patient brokering under s. 817.505, F.S. There were 2 new commitments in the first six months of FY 19-20. It should be noted that all seven of these admissions had offenses that were committed prior to the most recent change in statutory language that is getting amended in this bill (July 1, 2019).

CONFERENCE ADOPTED ESTIMATE: Negative Insignificant

Requested by: House