

Resolution 26-313
Support for Legislation Clarifying Patient Referrals Between Independently Owned Health
Care Providers and Facilities

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1 Whereas, Florida's Patient Brokering Act (§817.505) and Kickback Statute (§456.054) were enacted
2 to prevent abusive practices such as cash payments, fee-splitting, and improper inducements for
3 patient referrals, and these laws serve an important public purpose that should be preserved; and
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5 Whereas, Uncertainty in the interpretation of these statutes has created unintended
6 consequences, causing physicians and independent providers to hesitate in referring patients to
7 high-quality, lower-cost independent facilities for services such as physical therapy, imaging,
8 laboratory, infusion, and medication administration, simply because those facilities may refer
9 patients back in the normal course of care; and
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11 Whereas, This hesitation chills good-faith clinical decision-making, limits patient choice, increases
12 wait times, and drives patients toward more expensive hospital-owned facilities, thereby raising
13 overall health care costs for patients, employers, and insurers in Florida; and
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15 Whereas, Independent physician- or provider-owned facilities frequently deliver these services at
16 significantly lower cost than hospital outpatient departments while maintaining high quality; and
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18 Whereas, A narrowly tailored legislative clarification would create an exception for routine,
19 medically appropriate cross-referrals between independently owned and operated
20 providers/facilities when there is no ownership, investment, or compensation relationship other
21 than normal payment for services rendered, while maintaining strong prohibitions on true patient
22 brokering and financial inducements; and
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24 Whereas, Such clarification would promote patient choice based on clinical needs, convenience,
25 and preference; improve timely access to care; reduce health care expenditures; and support
26 independent medical practices without weakening anti-fraud protections; therefore, be it
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28 **RESOLVED**, That the Florida Medical Association (FMA) strongly supports the proposed legislation
29 clarifying patient referrals between independently owned health care providers and facilities
30 (amending s. 817.505 and s. 456.054, F.S.), including the addition of a specific exception for good-
31 faith referrals when no improper financial relationship exists beyond ordinary payment for services;
32 and be it further
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34 **RESOLVED**, That the FMA work with the Florida Legislature, the Council on Legislation, and relevant
35 stakeholders to advocate for the prompt passage of this legislation during the 2026 session or as
36 soon as possible; and be it further
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38 **RESOLVED**, That the FMA communicate support for this measure to its members, partner
39 organizations, and key policymakers to build awareness and momentum for its adoption.

Fiscal Note:

Description	Amount	Budget Narrative
350 Staff hours	\$63,500	Can be accomplished with current staff
Total	\$63,500	\$0 added to the operating budget

Fiscal notes are an estimate of the cost to implement a given Resolution. All Resolutions that are adopted by the House of Delegates will be referred to the FMA Committee on Finance and Appropriations for fiscal consideration.

Reference Committee: III – Legislation and Miscellaneous