

(2) (a) Except as provided in subsection (3), a health care provider who makes referrals and who has an investment, employment, or contractual interest related to that referral shall disclose the investment, employment, or contractual interest in writing of 100 words or less to an existing or prospective patient.

(b) The disclosure must be in at least 10 point type AND ON A SEPARATE PIECE OF PAPER FROM THE GENERAL PAPERWORK RECEIVED BY A PATIENT AT THE INITIATION OF A VISIT.

(c) The disclosure may request a patient's signature. ~~The disclosure may be provided as part of the general paperwork received by a patient at the initiation of a visit.~~

(d) This subsection (2) does not prohibit a health care provider from stating a PREFERRED HEALTH CARE PROVIDER when making a referral.

(3) Subsection (2) does not apply to a patient receiving emergency care or to a patient admitted as an inpatient of a hospital or a critical access hospital, EXCEPT THAT A PATIENT BEING DISCHARGED MUST BE PROVIDED APPROPRIATE REFERRAL INFORMATION AS REQUIRED IN 42 CFR 482.43.

(4) THE DISCLOSURE MAY BE SIMILAR TO THE FOLLOWING:

DURING THE COURSE OF YOUR RELATIONSHIP WITH THIS HEALTH CARE PROVIDER, YOU MAY BE REFERRED TO ANOTHER HEALTH CARE PROVIDER OR HEALTH CARE FACILITY WITH WHICH YOUR REFERRING HEALTH CARE PROVIDER HAS AN INVESTMENT, EMPLOYMENT, OR CONTRACTUAL INTEREST. YOU AS A PATIENT HAVE FREEDOM OF CHOICE TO CHOOSE AMONG HEALTH CARE PROVIDERS, BEING AWARE THAT THEY MAY NOT BE PART OF ANY INSURANCE NETWORK IN WHICH YOU PARTICIPATE. YOUR REFERRING HEALTH CARE PROVIDER HAS A(N) (INVESTMENT, EMPLOYMENT, CONTRACTUAL) RELATIONSHIP WITH X, Y, Z FACILITY AND A(N) (INVESTMENT, EMPLOYMENT, CONTRACTUAL) RELATIONSHIP WITH A, B, C FACILITY. (95 WORDS)

~~(4)~~ (5) For the purposes of this section, the following definitions apply:

(a) A "health care provider" is a person licensed under Title 37, chapters 3 and 4, 6 through 17, 20 through 28, 34 through 36 OR A PROVIDER OF DIAGNOSTIC SERVICES WHO ACCEPTS PAYMENT FROM THIRD PARTY PAYORS, INCLUDING SELF-FUNDED INSURERS, INSURERS LICENSED UNDER TITLE 33, OR GOVERNMENT PAYORS UNDER TITLE XVIII OF THE SOCIAL SECURITY ACT, TITLE XIX OF THE SOCIAL SECURITY ACT, or 10 U.S.C. 1071 et seq.

(b) A "referral" is a written or oral order from a health care provider to a patient or client for health care services OUTSIDE OF A ROUTINE OFFICE EXAM, including:

(i) the forwarding of a patient or client to another health care provider with a different license, A DIAGNOSTIC FACILITY THAT RECEIVES PAYMENTS UNDER MEDICARE OR MEDICAID, or to a health care facility licensed under Title 50 or operated by a health care provider licensed under Title 37; or

(ii) a request or establishment of a plan of care that includes the provision of prescribed health services or prescribed health care supplies.

HEALTH CARE PROVIDERS who may be referrers in Title 37 (those marked with ◀ are currently in bill):

Chapter 3 – Physicians ◀

Chapter 4 – Dentists ◀

Chapter 6 – Podiatrists ◀

Chapter 7 -- Pharmacists ◀

Chapter 8 – Nurses (Advanced Practice Registered Nurses, defined in 37-8-102) ◀

Chapter 9 – Nursing Home Administrators ◀

Chapter 10 – Optometrists ◀

Chapter 11 – Physical Therapists ◀

Chapter 12 – Chiropractors ◀

Chapter 13 – Acupuncturists ◀

Chapter 14 – Radiologic Technologists ◀

Chapter 15 – Speech Language Pathologists and Audiologists ◀

- Chapter 16 – Hearing Aid Dispensers ◀
- Chapter 17 – Psychologists ◀
- Chapter 18 – Veterinarians
- Chapter 19 – Morticians and Funeral Directors
- Chapter 20 – Physician Assistants ◀
- Chapter 21 – Dieticians ◀
- Chapter 22 – Social Workers ◀
- Chapter 23 – Professional Counselors ◀
- Chapter 24 – Occupational Therapists ◀
- Chapter 25 – Nutritionists ◀
- Chapter 26 – Naturopathic Physicians ◀
- Chapter 27 – Direct-entry Midwives ◀
- Chapter 28 – Respiratory Care Practitioners ◀
- Chapter 29 – Denturists
- Chapter 31 – Barbers, Cosmetologists, Electrologists, Estheticians, Manicurists
- Chapter 34 – Clinical Laboratory Science Practitioners ◀
- Chapter 35 – Addiction Counselors ◀
- Chapter 36 – Athletic Trainers ◀