

§ 90-113.152. Patient brokering and kickbacks.

(a) It is unlawful for any person or entity, including a treatment provider, treatment facility, recovery residence, or third party providing services to any of these persons or entities, to do any of the following:

- (1) Knowingly offer or pay anything of value, directly or indirectly, in cash or in kind, or engage in any split-fee arrangement, in any form whatsoever, to induce the referral of a patient or patronage to or from a treatment provider or laboratory.
- (2) Knowingly solicit or receive anything of value, directly or indirectly, in cash or in kind, or engage in any split-fee arrangement, in any form whatsoever, in return for referring a patient or patronage to or from a treatment provider or laboratory.
- (3) Knowingly solicit or receive anything of value, directly or indirectly, in cash or in kind, or engage in any split-fee arrangement, in any form whatsoever, in return for the acceptance or acknowledgment of treatment from a health care provider or health care facility.
- (4) Knowingly aid or abet any conduct that violates subdivisions (1) through (3) of this subsection.

(b) This section does not apply to either of the following:

- (1) Any discount, payment, waiver of payment, or payment practice that is expressly authorized by 42 U.S.C. § 1320a-7b(b)(3) or any regulation adopted under that statute.
- (2) A reasonable contingency management technique or other reasonable motivational incentive that is part of the treatment provided by an accredited, licensed, or certified treatment provider.

(c) A person who violates this section shall be guilty of a Class G felony. Each violation of this section constitutes a separate offense. (2023-141, s. 2.)