

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**

A Bill

ACT 1210 OF 1993
HOUSE BILL 1731

4 **By: Representatives Dietz and Hogue**

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For An Act To Be Entitled

8 "AN ACT TO AMEND SUBCHAPTER 3 OF CHAPTER 92 OF TITLE 17 OF
9 ARKANSAS CODE ANNOTATED TO MAKE IT UNLAWFUL FOR A PHYSICAL
10 THERAPIST TO ENGAGE IN THE DIVISION, TRANSFERRING,
11 ASSIGNING, REBATING OR REFUNDING OF REFERRAL FEES; AND FOR
12 OTHER PURPOSES."

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Subtitle

15 "AN ACT TO MAKE IT UNLAWFUL FOR A PHYSICAL THERAPIST TO
16 ENGAGE IN REFERRAL FOR PROFIT."

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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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20 SECTION 1. Subchapter 3 of chapter 92 of title 17 of Arkansas Code is
21 amended by adding the following section:

22 "17-92-310. (a) It is unlawful for a physical therapist or any of his
23 business associates to engage, directly or indirectly, in the division,
24 transferring, assigning, rebating or refunding of gratuities or fees received
25 for professional services with any person who referred a patient or with any
26 relative or business associate of the referring person.

27 (b) *This section shall not apply to any physical therapist employed by*
28 *a licensed physician or a group physician practice when the physical therapy*
29 *services are performed within the same office, building, clinic or physical*
30 *facility as the referring physician's services are performed nor shall it*
31 *apply to physical therapy positions on the premises of Arkansas licensed*
32 *hospitals and nursing homes."*

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34 SECTION 2. All provisions of this act of a general and permanent nature
35 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
36 Revision Commission shall incorporate the same in the Code.

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SECTION 3. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

SECTION 4. All laws and parts of laws in conflict with this act are hereby repealed.

/s/James Dietz, et al

APPROVED: 4/19/93

As Engrossed: 3/12/93 3/17/93 4/8/93

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