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## Florida officials deliver strong warning against patient brokering

By Gary A. Enos, Editor

If Florida addiction service providers needed any reminder of the illegality of paying or accepting fees of any kind for a patient referral, they received one in the form of a strong warning in writing this month from the state agency that licenses facilities.

The Department of Children and Families (DCF) wrote in the letter to all licensed providers that any act of patient brokering is punishable as a criminal offense and also exposes a violator to administrative action by the state agency. Patient brokering arrangements between facilities are frequently cited as one of the most common ethical lapses in the addiction treatment industry, and the proliferation of facilities in [Florida and California](#) has made those states frequent targets of complaint about professional ethics and concern about a relative lack of regulatory oversight.

DCF's director of substance abuse and mental health, Hayden J. Mathieson, told *Addiction Professional* (in comments relayed by a press spokesperson) that while the department has no direct evidence of patient brokering activity in Florida, some public comments suggested the presence of such activity as the state collected information in public hearings for its in-process study of Florida sober homes. The fiscal 2014 state budget act called for that study, as state lawmakers consider the possibility of tightening regulatory requirements for recovery homes.

"There were claims from respondents that something akin to patient brokering was occurring in the state," Mathieson said. In response to the letter from DCF, "Providers have contacted the department to express their concern in relation to this practice and have proactively sought guidance to ensure they are not in violation of the law," Mathieson said.

The letter states that licensed substance abuse providers in Florida are prohibited from offering, paying, soliciting or receiving "any commission, bonus, rebate, kickback, or bribe" related to the referral of a patient to or from a facility. It states, "To maintain the integrity of our substance abuse recovery system, we encourage you to help us ensure that this practice does not occur."

The letter continues, "In addition to being unlawful, this [practice] brings our recovery industry into dispute and diminishes public confidence in the great work that you do."

Mark Fontaine, executive director of the Florida Alcohol and Drug Abuse Association (FADAA), a group representing provider entities in the state, says he and his members are pleased that the state has sent out this communication—the first of its kind that he could recall. Growth in various segments of the treatment and recovery communities has made this kind of unethical behavior more likely as of late, Fontaine says.

"There is great movement between treatment programs and IOP programs and sober homes," says Fontaine. "That scenario leaves things ripe for these kinds of practices."

Concerns about this practice in Florida have been particularly acute in Palm Beach County, where the highest concentration of treatment and recovery facilities in the state exists.

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