

By Senator Miller

21-1201-02

See HB 355

1 A bill to be entitled
2 An act relating to public school health care
3 services; creating s. 381.00593, F.S.; creating
4 a public school volunteer health care
5 practitioner program; providing a short title;
6 providing purpose; providing a definition;
7 providing for waiver of biennial active license
8 renewal fees for specified health care
9 practitioners who provide their services,
10 without compensation, in the public schools;
11 providing program and eligibility requirements;
12 providing immunity from liability and workers'
13 compensation protection; providing for payment
14 of any resulting increase in liability
15 insurance premiums; providing administrative
16 responsibilities; providing rulemaking
17 authority; providing for implementation;
18 providing an effective date.

19
20 Be It Enacted by the Legislature of the State of Florida:

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22 Section 1. Section 381.00593, Florida Statutes, is
23 created to read:

24 381.00593 Public school volunteer health care
25 practitioner program.--

26 (1) This section may be cited as the "Public School
27 Volunteer Health Care Practitioner Act."

28 (2) The purpose of this section is to establish an
29 incentive program to encourage health care practitioners to
30 provide their services, without compensation, in the public
31 schools, and such program is intended to complement other

1 programs designed to provide health services or increase the
2 level of health care in the public schools.

3 (3) For purposes of this section, the term "health
4 care practitioner" means a physician licensed under chapter
5 458, an osteopathic physician licensed under chapter 459, a
6 physician assistant licensed under chapter 458 or chapter 459,
7 or an advanced registered nurse practitioner, registered
8 nurse, or licensed practical nurse licensed under chapter 464.

9 (4)(a) Notwithstanding any provision of chapter 456,
10 chapter 458, chapter 459, or chapter 464 to the contrary, the
11 biennial license renewal fee for an active license is waived
12 for any health care practitioner who participates in the
13 program established in this section and thereby agrees to
14 provide his or her services, without compensation, in a public
15 school for at least 8 hours a month for each school year
16 during that licensure period, or, if the health care
17 practitioner is retired, for at least 40 hours a month for
18 each school year during that licensure period.

19 (b) A health care practitioner must complete all forms
20 and procedures for participation in the program prior to the
21 applicable license renewal date, and a health care
22 practitioner who fails at any time during the applicable
23 licensure period to provide the services agreed to under
24 paragraph (a) shall be required to pay the entire biennial
25 licensure fee that was waived for that licensure period.

26 (5) To participate in the program, a health care
27 practitioner must:

28 (a) Have a valid, active license to practice his or
29 her profession in this state.

30 (b) Submit fingerprints and have a background
31 screening in accordance with the requirements of s. 381.0059,

1 unless already provided and completed for practitioner
2 licensing, profiling, or credentialing purposes.

3 (6)(a) A health care practitioner providing health
4 care services in a public school under the program established
5 in this section shall be considered an agent of the school
6 district for the purposes of tort liability under s. 768.28
7 and workers' compensation under chapter 440.

8 (b) The school district, through its self-insurance
9 program, shall bear the cost of any increase in premiums for
10 liability protection for health care practitioners
11 participating in the program other than those employed by the
12 school or school district. If funds of the school district in
13 any fiscal year are insufficient to cover any increase in
14 premiums resulting from operation of the program established
15 under this section, the school board may secure a loan to
16 cover such obligation as provided in s. 237.151.

17 (7)(a) The Department of Education shall have the
18 responsibility, in cooperation with the Department of Health,
19 to supervise the administration of the program established
20 under this section and perform periodic program reviews.
21 However, the principal of each public school shall have
22 immediate supervisory authority over any health care
23 practitioner working in the school under this program.

24 (b) The Department of Health, in cooperation with the
25 Department of Education, shall publicize the availability of
26 the program and its benefits.

27 (8) The Department of Education, in cooperation with
28 the Department of Health, may adopt rules necessary to
29 implement this section. The rules shall include the forms to
30 be completed and procedures to be followed by applicants and
31 school personnel under the program.

1 Section 2. Implementation of the public school
2 volunteer health care practitioner program under section
3 381.00593, Florida Statutes, as created by this act, shall be
4 according to the following schedule:

5 (1) The forms and procedures required by section
6 381.00593(8), Florida Statutes, must be completed and
7 distributed to the school districts by June 1, 2002.

8 (2) Each school district must make the application
9 forms and any other materials required by section
10 381.00593(8), Florida Statutes, available to all public
11 schools in the district by July 1, 2002.

12 (3) Publication of the program, as required by section
13 381.00593(7)(b), Florida Statutes, must begin no later than
14 July 1, 2002.

15 Section 3. This act shall take effect upon becoming a
16 law.

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19 LEGISLATIVE SUMMARY

20
21 Creates a public school volunteer health care
22 practitioner program as a complementary incentive program
23 to encourage specified health care practitioners to
24 provide their services, without compensation, in the
25 public schools. Provides health care practitioners
26 participating in the program with a waiver of biennial
27 active license renewal fees, immunity from liability, and
28 workers' compensation protection. Provides for payment
29 of any resulting increase in liability insurance
30 premiums. Provides program and practitioner
31 requirements. (See bill for details.)