

Bill No. CS for CS for CS for SB 564, SB 2120 & SB 2620

Amendment No. Barcode 245946

CHAMBER ACTION

Senate

House

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Senator Posey moved the following amendment:

Senate Amendment

On page 28, line 3, through
page 29, line 2, delete those lines

and insert:

b. Any health care provider licensed under chapter 458 or chapter 459 providing emergency services subject to the immunity in s. 768.13(2)(b). Such health care provider shall be considered an agent of the Department of Health for purposes of immunity under s. 768.28, and shall indemnify the state for any liabilities incurred up to the limits in this chapter or the limits of available insurance coverage of the health care provider, whichever is greater. Notwithstanding the creation of the agency relationship in this section, neither the state nor its applicable agency or subdivision may control the provision of the emergency medical services provided for herein. Claims may be settled and judgments entered and satisfied up to the limits of the available insurance coverage of the health care provider without the

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1 requirement of filing a claim bill. A health care provider
2 under this subparagraph does not include a licensed healthcare
3 practitioner who is providing emergency services to a person
4 with whom the practitioner has an established provider-patient
5 relationship outside of the emergency room setting. Notice
6 shall be given pursuant to the requirements of chapter 766 and
7 not pursuant to s. 768.28(6)(a). For purposes of this section,
8 available insurance coverage includes:
9 1. Commercial professional liability insurance;
10 2. Commercial self-insurance trust funds or other
11 self-insurance trust funds;
12 3. Medical malpractice self-insurance funds,
13 self-insurance risk retention groups, or deductibles;
14 4. Insurance obtained from a surplus lines insurer;
15 5. Joint Underwriting Association;
16 6. State established insurance funds;
17 7. Indemnity contracts;
18 8. Escrow accounts, bonds, or letters of credit; or
19 9. Any other program or entity which provides for the
20 payment of professional liability claims.

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