

1 (a) The ~~State~~ Board of Governors Education and its
2 officers and members.

3 (b) A university board of trustees and its officers
4 and members.

5 (c) The faculty and other employees and agents of a
6 university board of trustees.

7 (d) The students of a state university.

8 (e) A state university or any college, school,
9 institute, center, or program thereof.

10 (f) Any not-for-profit corporation organized pursuant
11 to chapter 617, and the directors, officers, employees, and
12 agents thereof, which is affiliated with a state university,
13 if the corporation is operated for the benefit of the state
14 university in a manner consistent with the best interests of
15 the state, and if such participation is approved by a
16 self-insurance program council, the university president, and
17 the board of trustees.

18 (2) ~~If in the event~~ the ~~State~~ Board of Governors
19 ~~Education~~ adopts a self-insurance program, a governing council
20 chaired by the vice president for health affairs or his or her
21 academic equivalent shall be established to administer the
22 program and its duties and responsibilities, including the
23 administration of self-insurance program assets and
24 expenditure policies, which shall be defined in rules adopted
25 by the Board of Governors as authorized by this section. The
26 council shall have an annual actuary review performed to
27 establish funding requirements to maintain the fiscal
28 integrity of the self-insurance program. The assets of a
29 self-insurance program shall be deposited outside the State
30 Treasury and shall be administered in accordance with rules as
31 authorized by this section.

1 (3) Any self-insurance program created under this
2 section shall be funded by the entities and individuals
3 protected by such program. ~~There shall be no~~ Funds may not be
4 appropriated to any self-insurance program. The assets of the
5 self-insurance program shall be the property of the ~~State~~
6 Board of Governors Education and shall be used only to pay the
7 administrative expenses of the self-insurance program and to
8 pay any claim, judgment, or claims bill arising out of
9 activities for which the self-insurance program was created.
10 Investment income that is in excess of that income necessary
11 to ensure the solvency of a self-insurance program as
12 established by a casualty actuary may be used to defray the
13 annual contribution paid into the program by the entities and
14 individuals protected by the program.

15 (4) ~~A No~~ self-insurance program adopted by the ~~State~~
16 Board of Governors Education may not sue or be sued. The
17 claims files of any such program are privileged and
18 confidential, exempt from the provisions of s. 119.07(1), and
19 are only for the use of the program in fulfilling its duties.
20 Physicians, other health care providers, and other agents or
21 employees of participants in a self-insurance program, as
22 defined in subsection (1), may discuss patient care
23 information for the purposes of quality improvement, incident
24 investigation, and claim defense with self-insurance council
25 members, staff, and attorneys retained by the self-insurance
26 program, and such communications do not constitute a violation
27 of any statute or rule relating to patient privacy or
28 confidentiality. Any self insurance trust fund and revenues
29 generated by that fund shall only be used to pay claims and
30 administration expenses.
31

1 (5) Each self-insurance program council shall make
2 provision for an annual financial audit pursuant to s. 11.45
3 of its accounts to be conducted by an independent certified
4 public accountant. The annual audit report must include a
5 management letter and shall be submitted to the ~~State~~ Board of
6 Governors Education for review. The ~~State~~ Board of Governors
7 has Education shall have the authority to require and receive
8 from the self-insurance program council or from its
9 independent auditor any detail or supplemental data relative
10 to the operation of the self-insurance program.

11 (6) The ~~State~~ Board of Governors Education may make
12 such rules as are necessary to carry out ~~the provisions of~~
13 this section.

14 Section 2. Section 1012.965, Florida Statutes, is
15 amended to read:

16 1012.965 Payment of costs of civil action against
17 employees.--

18 (1) An employee or agent under the right of control of
19 a university board of trustees who, pursuant to the university
20 board's policies or rules, renders medical care or treatment
21 at any hospital or health care facility with which the
22 university board maintains an affiliation agreement whereby
23 the hospital or health care facility provides to the
24 university board a clinical setting for health care education,
25 research, and services, shall not be deemed to be an agent of
26 any person other than the university board in any civil action
27 resulting from any act or omission of the employee or agent
28 while rendering said medical care or treatment. For this
29 subsection to apply, the patient shall be provided separate
30 written conspicuous notice by the university board of trustees
31 or by the hospital or health care facility, and shall

1 acknowledge receipt of this notice, in writing, unless
2 impractical by reason of an emergency, either personally or
3 through another person authorized to give consent for him or
4 her, that he or she will receive care provided by university
5 board's employees and liability, if any, that may arise from
6 that care is limited as provided by law. Compliance by a
7 hospital or health care facility with the requirements of
8 chapter 395 or s. 766.110(1) shall not be used as evidence in
9 any civil action to establish an employment or agency
10 relationship between the hospital or health care facility and
11 an employee or agent of the university board of trustees
12 providing services within the hospital or health care
13 facility.

14 (2) The university boards of trustees have the
15 unconditional right, and shall be permitted, to intervene in
16 any civil action for medical negligence filed against an
17 affiliated hospital or health care facility if an employee or
18 agent of a university board of trustees delivered care at such
19 affiliated hospital or health care facility to the patient
20 whose care is at issue in the civil action.

21 (3) The university faculty practice plan entities
22 function as the university's agent for the orderly collection
23 and administration of income generated from university faculty
24 practice activities. They are not and shall not be providers
25 of medical services or the employer of any faculty physicians
26 or other health care professionals and are not and shall not
27 be deemed or construed to have a partnership, joint venture,
28 association, employment, or agency relationship with any
29 university faculty physicians of other health care
30 professionals.

31

1 ~~(4)(2)~~ All faculty physicians employed by a university
2 board of trustees who are subject to the requirements of s.
3 456.013 shall complete their risk management continuing
4 education on issues specific to academic medicine. Such
5 continuing education shall include instruction for the
6 supervision of resident physicians as required by the
7 Accreditation Council for Graduate Medical Education. The
8 boards described in s. 456.013 shall adopt rules to implement
9 the provisions of this subsection.

10 ~~(5)(3)~~ There are appropriated out of any funds
11 available to a university, not subject to the obligation of
12 contract, covenant, or trust, the amounts necessary to carry
13 out the purposes of this section.

14 ~~(6)(4)~~ Failure of a university board of trustees or an
15 affiliated health care provider to do any act authorized by
16 this section shall not constitute a cause of action against
17 the university board, or an affiliated health care provider,
18 or any of their members, officers, or employees.

19 Section 3. This act shall take effect July 1, 2007.

20
21 *****

22 SENATE SUMMARY

23 Transfers responsibilities of the State Board of
24 Education for procuring liability insurance to the Board
25 of Governors of the State University System. Authorizes
26 physicians and other health care providers to discuss
27 patient care information for limited purposes with
28 members and employees of a self-insurance program without
29 violating patient privacy or confidentiality. Declares
30 the right of university boards of trustees to intervene
31 in a civil action for medical negligence filed against an
affiliated hospital or health care facility. Declares
that university practice plan entities are not themselves
providers of health care services and have no
relationship with faculty physicians or other health care
professionals.