



163784

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/14/2013	.	
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	.	

The Committee on Health Policy (Brandes) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Paragraph (a) of subsection (3) of section 766.1115, Florida Statutes, is amended, and paragraph (h) is added to subsection (4) of that section, to read:

766.1115 Health care providers; creation of agency relationship with governmental contractors.—

(3) DEFINITIONS.—As used in this section, the term:

(a) "Contract" means an agreement executed in compliance with this section between a health care provider and a



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13 governmental contractor which allows. ~~This contract shall allow~~
14 the health care provider to deliver health care services to low-
15 income recipients as an agent of the governmental contractor.
16 The contract must be for volunteer, uncompensated services. For
17 services to qualify as volunteer, uncompensated services under
18 this section, the health care provider must receive no
19 compensation from the governmental contractor for ~~any~~ services
20 provided under the contract and must not bill or accept
21 compensation from the recipient, or a ~~any~~ public or private
22 third-party payor, for the specific services provided to the
23 low-income recipients covered by the contract.

24 (4) CONTRACT REQUIREMENTS.—A health care provider that
25 executes a contract with a governmental contractor to deliver
26 health care services on or after April 17, 1992, as an agent of
27 the governmental contractor is an agent for purposes of s.
28 768.28(9), while acting within the scope of duties under the
29 contract, if the contract complies with the requirements of this
30 section and regardless of whether the individual treated is
31 later found to be ineligible. A health care provider under
32 contract with the state may not be named as a defendant in any
33 action arising out of medical care or treatment provided on or
34 after April 17, 1992, under contracts entered into under this
35 section. The contract must provide that:

36 (h) As an agent of the governmental contractor for purposes
37 of s. 768.28(9), while acting within the scope of duties under
38 the contract, a health care provider licensed under chapter 466
39 may allow a patient or a parent or guardian of the patient to
40 voluntarily contribute a fee to cover costs of dental laboratory
41 work related to the services provided to the patient. This



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42 contribution may not exceed the actual cost of the dental
43 laboratory charges and is deemed in compliance with this
44 section.

45
46 A governmental contractor that is also a health care provider is
47 not required to enter into a contract under this section with
48 respect to the health care services delivered by its employees.

49 Section 2. This act shall take effect July 1, 2013.

50
51 ===== T I T L E A M E N D M E N T =====

52 And the title is amended as follows:

53 Delete everything before the enacting clause
54 and insert:

55 A bill to be entitled
56 An act relating to sovereign immunity for dentists and
57 dental hygienists; amending s. 766.1115, F.S.;
58 revising a definition; requiring a contract with a
59 governmental contractor for health care services to
60 include a provision for a health care provider
61 licensed under ch. 466, F.S., as an agent of the
62 governmental contractor, to allow a patient or a
63 parent or guardian of the patient to voluntarily
64 contribute a fee to cover costs of dental laboratory
65 work related to the services provided to the patient
66 without forfeiting sovereign immunity; prohibiting the
67 contribution from exceeding the actual amount of the
68 dental laboratory charges; providing that the
69 contribution complies with the requirements of s.
70 766.1115, F.S.; providing an effective date.