

By the Committee on Health Policy; and Senator Hays

588-02376-13

20131016c1

1 A bill to be entitled

2 An act relating to sovereign immunity for dentists and
3 dental hygienists; amending s. 766.1115, F.S.;
4 revising a definition; requiring a contract with a
5 governmental contractor for health care services to
6 include a provision for a health care provider
7 licensed under ch. 466, F.S., as an agent of the
8 governmental contractor, to allow a patient or a
9 parent or guardian of the patient to voluntarily
10 contribute a fee to cover costs of dental laboratory
11 work related to the services provided to the patient
12 without forfeiting sovereign immunity; prohibiting the
13 contribution from exceeding the actual amount of the
14 dental laboratory charges; providing that the
15 contribution complies with the requirements of s.
16 766.1115, F.S.; providing an effective date.

17
18 Be It Enacted by the Legislature of the State of Florida:

19
20 Section 1. Paragraph (a) of subsection (3) of section
21 766.1115, Florida Statutes, is amended, and paragraph (h) is
22 added to subsection (4) of that section, to read:

23 766.1115 Health care providers; creation of agency
24 relationship with governmental contractors.-

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

26 (a) "Contract" means an agreement executed in compliance
27 with this section between a health care provider and a
28 governmental contractor which allows. ~~This contract shall allow~~
29 the health care provider to deliver health care services to low-

588-02376-13

20131016c1

30 income recipients as an agent of the governmental contractor.
31 The contract must be for volunteer, uncompensated services. For
32 services to qualify as volunteer, uncompensated services under
33 this section, the health care provider must receive no
34 compensation from the governmental contractor for ~~any~~ services
35 provided under the contract and must not bill or accept
36 compensation from the recipient, or a ~~any~~ public or private
37 third-party payor, for the specific services provided to the
38 low-income recipients covered by the contract.

39 (4) CONTRACT REQUIREMENTS.—A health care provider that
40 executes a contract with a governmental contractor to deliver
41 health care services on or after April 17, 1992, as an agent of
42 the governmental contractor is an agent for purposes of s.
43 768.28(9), while acting within the scope of duties under the
44 contract, if the contract complies with the requirements of this
45 section and regardless of whether the individual treated is
46 later found to be ineligible. A health care provider under
47 contract with the state may not be named as a defendant in any
48 action arising out of medical care or treatment provided on or
49 after April 17, 1992, under contracts entered into under this
50 section. The contract must provide that:

51 (h) As an agent of the governmental contractor for purposes
52 of s. 768.28(9), while acting within the scope of duties under
53 the contract, a health care provider licensed under chapter 466
54 may allow a patient or a parent or guardian of the patient to
55 voluntarily contribute a fee to cover costs of dental laboratory
56 work related to the services provided to the patient. This
57 contribution may not exceed the actual cost of the dental
58 laboratory charges and is deemed in compliance with this

588-02376-13

20131016c1

59 section.

60

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

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