

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Health Quality
 2 Subcommittee

3 Representative Magar offered the following:

4

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7

8 Section 1. Paragraph (a) of subsection (3) of section
 9 766.1115, Florida Statutes, is amended, and paragraph (h) is
 10 added to subsection (4) of that section, to read:

11 766.1115 Health care providers; creation of agency
 12 relationship with governmental contractors.-

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

14 (a) "Contract" means an agreement executed in compliance
 15 with this section between a health care provider and a
 16 governmental contractor which allows. ~~This contract shall allow~~
 17 the health care provider to deliver health care services to low-
 18 income recipients as an agent of the governmental contractor.
 19 The contract must be for volunteer, uncompensated services. For
 20 services to qualify as volunteer, uncompensated services under

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21 this section, the health care provider must receive no
22 compensation from the governmental contractor for ~~any~~ services
23 provided under the contract and must not bill or accept
24 compensation from the recipient, or a ~~any~~ public or private
25 third-party payor, for the specific services provided to the
26 low-income recipients covered by the contract.

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

39 (h) Notwithstanding subsection (3), as an agent of the
40 governmental contractor for purposes of s. 768.28(9), while
41 acting within the scope of duties under the contract, a health
42 care provider licensed under chapter 466 may allow a patient or
43 a parent or guardian of the patient to voluntarily contribute a
44 fee to cover costs of dental laboratory work related to the
45 services provided to the patient. This contribution may not
46 exceed the actual cost of the dental laboratory charges and is
47 deemed in compliance with this section.
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49 A governmental contractor that is also a health care provider is
50 not required to enter into a contract under this section with
51 respect to the health care services delivered by its employees.

52 Section 2. This act shall take effect July 1, 2013.
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56 **T I T L E A M E N D M E N T**

57 Remove everything before the enacting clause and insert:

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