

HB 1205

2013

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; defining the term
5 "uncompensated services" as it relates to the
6 liability of health care providers licensed under ch.
7 466, F.S., who are agents of governmental contractors;
8 providing that the contribution to the dental
9 laboratory expenses associated with the care of a
10 patient is not considered compensation for the
11 services; requiring a contract with a governmental
12 contractor for health care services to include a
13 provision for a health care provider licensed under
14 ch. 466, F.S., as an agent of the governmental
15 contractor, to allow a patient or a parent or guardian
16 of the patient to voluntarily contribute a fee to
17 cover costs of dental laboratory work related to the
18 services provided to the patient without forfeiting
19 sovereign immunity; prohibiting the contribution from
20 exceeding the actual amount of the dental laboratory
21 charges; providing an effective date.

22
23 Be It Enacted by the Legislature of the State of Florida:

24
25 Section 1. Paragraph (a) of subsection (3) of section
26 766.1115, Florida Statutes, is amended, paragraph (f) is added
27 to that subsection, and paragraph (h) is added to subsection (4)
28 of that section, to read:

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29 766.1115 Health care providers; creation of agency
30 relationship with governmental contractors.-

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

32 (a) "Contract" means an agreement executed in compliance
33 with this section between a health care provider and a
34 governmental contractor which allows. ~~This contract shall allow~~
35 the health care provider to deliver health care services to low-
36 income recipients as an agent of the governmental contractor.
37 The contract must be for volunteer, uncompensated services. For
38 services to qualify as volunteer, uncompensated services under
39 this section, the health care provider must receive no
40 compensation from the governmental contractor for ~~any~~ services
41 provided under the contract and must not bill or accept
42 compensation from the recipient, or a ~~any~~ public or private
43 third-party payor, for the specific services provided to the
44 low-income recipients covered by the contract.

45 (f) "Uncompensated services" means services voluntarily
46 provided under a contract in which a health care provider
47 licensed under chapter 466 does not receive compensation from
48 the governmental contractor and may not bill or accept
49 compensation from the recipient or any public or private third-
50 party payor for the specific services provided to a low-income
51 recipient covered by the contract. If a patient or a parent or
52 guardian of the patient chooses to contribute to the dental
53 laboratory expenses associated with the care of the patient,
54 this contribution is not considered compensation for the
55 services.

56 (4) CONTRACT REQUIREMENTS.-A health care provider that

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57 | executes a contract with a governmental contractor to deliver
58 | health care services on or after April 17, 1992, as an agent of
59 | the governmental contractor is an agent for purposes of s.
60 | 768.28(9), while acting within the scope of duties under the
61 | contract, if the contract complies with the requirements of this
62 | section and regardless of whether the individual treated is
63 | later found to be ineligible. A health care provider under
64 | contract with the state may not be named as a defendant in any
65 | action arising out of medical care or treatment provided on or
66 | after April 17, 1992, under contracts entered into under this
67 | section. The contract must provide that:

68 | (h) As an agent of the governmental contractor for
69 | purposes of s. 768.28(9), while acting within the scope of
70 | duties under the contract, a health care provider licensed under
71 | chapter 466 may allow a patient or a parent or guardian of the
72 | patient to voluntarily contribute a fee to cover costs of dental
73 | laboratory work related to the services provided to the patient.
74 | This contribution may not exceed the actual cost of the dental
75 | laboratory charges.

76 |
77 | A governmental contractor that is also a health care provider is
78 | not required to enter into a contract under this section with
79 | respect to the health care services delivered by its employees.

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