



307636

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/10/2014	.	
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The Committee on Transportation (Evers) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 402 and 403

insert:

Section 21. Subsection (4) of section 766.1115, Florida Statutes, is amended to read:

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

(4) CONTRACT REQUIREMENTS.—A health care provider that executes a contract with a governmental contractor to deliver



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11 health care services on or after April 17, 1992, as an agent of  
12 the governmental contractor is an agent for purposes of s.  
13 768.28(9), while acting within the scope of duties under the  
14 contract, if the contract complies with the requirements of this  
15 section and regardless of whether the individual treated is  
16 later found to be ineligible. A health care provider shall  
17 continue to be an agent for purposes of s. 768.28(9) for 30 days  
18 after a determination of ineligibility to allow for treatment  
19 until the individual transitions to treatment by another health  
20 care provider. A health care provider under contract with the  
21 state may not be named as a defendant in any action arising out  
22 of medical care or treatment provided on or after April 17,  
23 1992, under contracts entered into under this section. The  
24 contract must provide that:

25 (a) The right of dismissal or termination of any health  
26 care provider delivering services under the contract is retained  
27 by the governmental contractor.

28 (b) The governmental contractor has access to the patient  
29 records of any health care provider delivering services under  
30 the contract.

31 (c) Adverse incidents and information on treatment outcomes  
32 must be reported by any health care provider to the governmental  
33 contractor if the incidents and information pertain to a patient  
34 treated under the contract. The health care provider shall  
35 submit the reports required by s. 395.0197. If an incident  
36 involves a professional licensed by the Department of Health or  
37 a facility licensed by the Agency for Health Care  
38 Administration, the governmental contractor shall submit such  
39 incident reports to the appropriate department or agency, which



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40 shall review each incident and determine whether it involves  
41 conduct by the licensee that is subject to disciplinary action.  
42 All patient medical records and any identifying information  
43 contained in adverse incident reports and treatment outcomes  
44 which are obtained by governmental entities under this paragraph  
45 are confidential and exempt from the provisions of s. 119.07(1)  
46 and s. 24(a), Art. I of the State Constitution.

47 (d) Patient selection and initial referral must be made by  
48 the governmental contractor or the provider. Patients may not be  
49 transferred to the provider based on a violation of the  
50 antidumping provisions of the Omnibus Budget Reconciliation Act  
51 of 1989, the Omnibus Budget Reconciliation Act of 1990, or  
52 chapter 395.

53 (e) If emergency care is required, the patient need not be  
54 referred before receiving treatment, but must be referred within  
55 48 hours after treatment is commenced or within 48 hours after  
56 the patient has the mental capacity to consent to treatment,  
57 whichever occurs later.

58 (f) The provider is subject to supervision and regular  
59 inspection by the governmental contractor.

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  
65 ===== T I T L E A M E N D M E N T =====

66 And the title is amended as follows:

67 Delete line 62

68 and insert:



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69 as a physical therapist; amending s. 766.1115, F.S.;

70 extending the period a health care provider remains an

71 agent of the state after an individual is deemed

72 inelgible; amending s. 823.05, F.S.;