

By Senator Hays

11-00173A-14

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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:

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 20           Section 1. Paragraph (a) of subsection (3) of section  
 21           766.1115, Florida Statutes, is amended, and paragraph (g) 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-

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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 (g) Notwithstanding subsection (3), as an agent of the  
52 governmental contractor for purposes of s. 768.28(9), while  
53 acting within the scope of duties under the contract, a health  
54 care provider licensed under chapter 466 may allow a patient or  
55 a parent or guardian of the patient to voluntarily contribute a  
56 fee to cover costs of dental laboratory work related to the  
57 services provided to the patient. This contribution may not  
58 exceed the actual cost of the dental laboratory charges and is

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59 deemed in compliance with this section.

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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, 2014.