

By the Committee on Appropriations; and Senator Hays

576-04492-14

2014142c1

1                   A bill to be entitled  
2           An act relating to access to health care for the  
3           underserved; amending s. 766.1115, F.S.; revising the  
4           definition of the term "contract"; extending the  
5           period of time for which a health care provider  
6           remains an agent of the state after an individual  
7           under his or her care is deemed ineligible; requiring  
8           that a contract with a governmental contractor for  
9           health care services include a provision allowing a  
10          voluntary contribution toward certain dental  
11          laboratory work; prohibiting the contribution from  
12          exceeding the actual amount of the dental laboratory  
13          charges; amending s. 466.00673, F.S.; delaying the  
14          future repeal of provisions authorizing the health  
15          access dental license; providing an effective date.

16  
17 Be It Enacted by the Legislature of the State of Florida:

18  
19           Section 1. Paragraph (a) of subsection (3) and subsection  
20           (4) of section 766.1115, Florida Statutes, are amended to read:

21           766.1115 Health care providers; creation of agency  
22           relationship with governmental contractors.—

23           (3) DEFINITIONS.—As used in this section, the term:

24           (a) "Contract" means an agreement executed in compliance  
25           with this section between a health care provider and a  
26           governmental contractor which allows. ~~This contract shall allow~~  
27           the health care provider to deliver health care services to low-  
28           income recipients as an agent of the governmental contractor.  
29           The contract must be for volunteer, uncompensated services,

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30 except as provided in paragraph (4) (g). For services to qualify  
31 as volunteer, uncompensated services under this section, the  
32 health care provider must receive no compensation from the  
33 governmental contractor for any services provided under the  
34 contract and must not bill or accept compensation from the  
35 recipient, or a ~~any~~ public or private third-party payor, for the  
36 specific services provided to the low-income recipients covered  
37 by the contract.

38 (4) CONTRACT REQUIREMENTS.—A health care provider that  
39 executes a contract with a governmental contractor to deliver  
40 health care services on or after April 17, 1992, as an agent of  
41 the governmental contractor is an agent for purposes of s.  
42 768.28(9), while acting within the scope of duties under the  
43 contract, if the contract complies with the requirements of this  
44 section and regardless of whether the individual treated is  
45 later found to be ineligible. A health care provider shall  
46 continue to be an agent for purposes of s. 768.28(9) for 30 days  
47 after a determination of ineligibility to allow for treatment  
48 until the individual transitions to treatment by another health  
49 care provider. A health care provider under contract with the  
50 state may not be named as a defendant in any action arising out  
51 of medical care or treatment provided on or after April 17,  
52 1992, under contracts entered into under this section. The  
53 contract must provide that:

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

57 (b) The governmental contractor has access to the patient  
58 records of any health care provider delivering services under

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59 the contract.

60 (c) Adverse incidents and information on treatment outcomes  
61 must be reported by any health care provider to the governmental  
62 contractor if the incidents and information pertain to a patient  
63 treated under the contract. The health care provider shall  
64 submit the reports required by s. 395.0197. If an incident  
65 involves a professional licensed by the Department of Health or  
66 a facility licensed by the Agency for Health Care  
67 Administration, the governmental contractor shall submit such  
68 incident reports to the appropriate department or agency, which  
69 shall review each incident and determine whether it involves  
70 conduct by the licensee that is subject to disciplinary action.  
71 All patient medical records and any identifying information  
72 contained in adverse incident reports and treatment outcomes  
73 which are obtained by governmental entities under this paragraph  
74 are confidential and exempt from the provisions of s. 119.07(1)  
75 and s. 24(a), Art. I of the State Constitution.

76 (d) Patient selection and initial referral must be made by  
77 the governmental contractor or the provider. Patients may not be  
78 transferred to the provider based on a violation of the  
79 antidumping provisions of the Omnibus Budget Reconciliation Act  
80 of 1989, the Omnibus Budget Reconciliation Act of 1990, or  
81 chapter 395.

82 (e) If emergency care is required, the patient need not be  
83 referred before receiving treatment, but must be referred within  
84 48 hours after treatment is commenced or within 48 hours after  
85 the patient has the mental capacity to consent to treatment,  
86 whichever occurs later.

87 (f) The provider is subject to supervision and regular

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88 inspection by the governmental contractor.

89 (g) As an agent of the governmental contractor for purposes  
90 of s. 768.28(9), while acting within the scope of duties under  
91 the contract, a health care provider licensed under chapter 466  
92 may allow a patient, or a parent or guardian of the patient, to  
93 voluntarily contribute a monetary amount to cover costs of  
94 dental laboratory work related to the services provided to the  
95 patient. This contribution may not exceed the actual cost of the  
96 dental laboratory charges.

97  
98 A governmental contractor that is also a health care provider is  
99 not required to enter into a contract under this section with  
100 respect to the health care services delivered by its employees.

101 Section 2. Section 466.00673, Florida Statutes, is amended  
102 to read:

103 466.00673 Repeal of a health access dental license.—  
104 Effective January 1, 2020 ~~2015~~, ss. 466.0067-466.00673 are  
105 repealed unless reenacted by the Legislature. Any health access  
106 dental license issued before January 1, 2020 ~~2015~~, shall remain  
107 valid according to ss. 466.0067-466.00673, without effect from  
108 repeal.

109 Section 3. This act shall take effect July 1, 2014.