



745158

LEGISLATIVE ACTION

Senate	.	House
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Floor: 1/AD/2R	.	Floor: SENA1/C
04/28/2014 04:20 PM	.	05/01/2014 02:38 PM
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Senator Hays moved the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

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

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

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

(a) "Contract" means an agreement executed in compliance  
with this section between a health care provider and a



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12 governmental contractor which allows. ~~This contract shall allow~~  
13 the health care provider to deliver health care services to low-  
14 income recipients as an agent of the governmental contractor.  
15 The contract must be for volunteer, uncompensated services,  
16 except as provided in paragraph (4)(g). For services to qualify  
17 as volunteer, uncompensated services under this section, the  
18 health care provider must receive no compensation from the  
19 governmental contractor for any services provided under the  
20 contract and must not bill or accept compensation from the  
21 recipient, or a any public or private third-party payor, for the  
22 specific services provided to the low-income recipients covered  
23 by the contract.

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

40 (a) The right of dismissal or termination of any health



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41 care provider delivering services under the contract is retained  
42 by the governmental contractor.

43 (b) The governmental contractor has access to the patient  
44 records of any health care provider delivering services under  
45 the contract.

46 (c) Adverse incidents and information on treatment outcomes  
47 must be reported by any health care provider to the governmental  
48 contractor if the incidents and information pertain to a patient  
49 treated under the contract. The health care provider shall  
50 submit the reports required by s. 395.0197. If an incident  
51 involves a professional licensed by the Department of Health or  
52 a facility licensed by the Agency for Health Care  
53 Administration, the governmental contractor shall submit such  
54 incident reports to the appropriate department or agency, which  
55 shall review each incident and determine whether it involves  
56 conduct by the licensee that is subject to disciplinary action.  
57 All patient medical records and any identifying information  
58 contained in adverse incident reports and treatment outcomes  
59 which are obtained by governmental entities under this paragraph  
60 are confidential and exempt from the provisions of s. 119.07(1)  
61 and s. 24(a), Art. I of the State Constitution.

62 (d) Patient selection and initial referral must be made by  
63 the governmental contractor or the provider. Patients may not be  
64 transferred to the provider based on a violation of the  
65 antidumping provisions of the Omnibus Budget Reconciliation Act  
66 of 1989, the Omnibus Budget Reconciliation Act of 1990, or  
67 chapter 395.

68 (e) If emergency care is required, the patient need not be  
69 referred before receiving treatment, but must be referred within



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70 48 hours after treatment is commenced or within 48 hours after  
71 the patient has the mental capacity to consent to treatment,  
72 whichever occurs later.

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

75 (g) As an agent of the governmental contractor for purposes  
76 of s. 768.28(9), while acting within the scope of duties under  
77 the contract, a health care provider licensed under chapter 466  
78 may allow a patient, or a parent or guardian of the patient, to  
79 voluntarily contribute a monetary amount to cover costs of  
80 dental laboratory work related to the services provided to the  
81 patient. This contribution may not exceed the actual cost of the  
82 dental laboratory charges.

83  
84 A governmental contractor that is also a health care provider is  
85 not required to enter into a contract under this section with  
86 respect to the health care services delivered by its employees.

87 Section 2. Section 466.00673, Florida Statutes, is amended  
88 to read:

89 466.00673 Repeal of a health access dental license.—  
90 Effective January 1, 2020 ~~2015~~, ss. 466.0067-466.00673 are  
91 repealed unless reenacted by the Legislature. Any health access  
92 dental license issued before January 1, 2020 ~~2015~~, shall remain  
93 valid according to ss. 466.0067-466.00673, without effect from  
94 repeal.

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

96  
97 ===== T I T L E A M E N D M E N T =====

98 And the title is amended as follows:



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99 Delete everything before the enacting clause  
100 and insert:

101 A bill to be entitled  
102 An act relating to access to health care for the  
103 underserved; amending s. 766.1115, F.S.; revising the  
104 definition of the term "contract"; extending the  
105 period of time for which a health care provider  
106 remains an agent of the state after an individual  
107 under his or her care is deemed ineligible; requiring  
108 that a contract with a governmental contractor for  
109 health care services include a provision allowing a  
110 voluntary contribution toward certain dental  
111 laboratory work; prohibiting the contribution from  
112 exceeding the actual amount of the dental laboratory  
113 charges; amending s. 466.00673, F.S.; delaying the  
114 future repeal of provisions authorizing the health  
115 access dental license; providing an effective date.