



ENROLLED

HB 97, Engrossed 1

2014 Legislature

1
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.



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29 The contract must be for volunteer, uncompensated services,
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.



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

60 | (c) Adverse incidents and information on treatment
61 | outcomes must be reported by any health care provider to the
62 | governmental contractor if the incidents and information pertain
63 | to a patient treated under the contract. The health care
64 | provider shall submit the reports required by s. 395.0197. If an
65 | incident involves a professional licensed by the Department of
66 | Health or 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



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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
 88 inspection by the governmental contractor.

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