

1                                   A bill to be entitled  
 2           An act relating to volunteer health services; amending  
 3           s. 766.1115, F.S.; revising requirements for patient  
 4           referral under the "Access to Health Care Act";  
 5           eliminating a requirement that the governmental  
 6           contractor approve all followup or hospital care;  
 7           requiring the Department of Health to post specified  
 8           information online concerning volunteer providers;  
 9           permitting volunteer providers to earn continuing  
 10          education credit for participation in the program up  
 11          to a specified amount; deleting provisions requiring  
 12          the department to make specified rules concerning  
 13          methods for determination and approval of patient  
 14          eligibility and referral; providing an effective date.

15  
 16 Be It Enacted by the Legislature of the State of Florida:

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 18           Section 1. Subsections (10) and (11) of section 766.1115,  
 19           Florida Statutes, are renumbered as sections (11) and (12),  
 20           respectively, a new subsection (10) is added to that section,  
 21           and paragraphs (d), (f), and (g) of subsection (4) and present  
 22           subsections (8) and (10) of that section are amended, to read:

23           766.1115 Health care providers; creation of agency  
 24           relationship with governmental contractors.—

25           (4) CONTRACT REQUIREMENTS.—A health care provider that  
 26           executes a contract with a governmental contractor to deliver  
 27           health care services on or after April 17, 1992, as an agent of  
 28           the governmental contractor is an agent for purposes of s.

29 768.28(9), while acting within the scope of duties under the  
 30 contract, if the contract complies with the requirements of this  
 31 section and regardless of whether the individual treated is  
 32 later found to be ineligible. A health care provider under  
 33 contract with the state may not be named as a defendant in any  
 34 action arising out of medical care or treatment provided on or  
 35 after April 17, 1992, under contracts entered into under this  
 36 section. The contract must provide that:

37 (d) Patient selection and initial referral may ~~must~~ be  
 38 made ~~solely~~ by the governmental contractor or the provider, and  
 39 ~~the provider must accept all referred patients. However, the~~  
 40 ~~number of patients that must be accepted may be limited by the~~  
 41 ~~contract, and patients may not be transferred to the provider~~  
 42 ~~based on a violation of the antidumping provisions of the~~  
 43 ~~Omnibus Budget Reconciliation Act of 1989, the Omnibus Budget~~  
 44 ~~Reconciliation Act of 1990, or chapter 395.~~

45 ~~(f) Patient care, including any followup or hospital care,~~  
 46 ~~is subject to approval by the governmental contractor.~~

47 (f) ~~(g)~~ The provider is subject to supervision and regular  
 48 inspection by the governmental contractor.

49  
 50 A governmental contractor that is also a health care provider is  
 51 not required to enter into a contract under this section with  
 52 respect to the health care services delivered by its employees.

53 (8) REPORTING REPORT TO THE LEGISLATURE.—

54 (a) Annually, the department shall report to the President  
 55 of the Senate, the Speaker of the House of Representatives, and  
 56 the minority leaders and relevant substantive committee

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57 chairpersons of both houses, summarizing the efficacy of access  
58 and treatment outcomes with respect to providing health care  
59 services for low-income persons pursuant to this section.

60 (b) The department shall provide an online listing of all  
61 providers volunteering under this program with their hours and  
62 the number of patient visits each provided.

63 (10) CONTINUING EDUCATION CREDIT.—A provider may fulfill 1  
64 hour of continuing education credit by performing 1 hour of  
65 volunteer services to the indigent as provided in this section,  
66 up to a maximum of eight credits per licensure period for that  
67 provider.

68 (11)~~(10)~~ RULES.—The department shall adopt rules to  
69 administer this section in a manner consistent with its purpose  
70 to provide and facilitate access to appropriate, safe, and cost-  
71 effective health care services and to maintain health care  
72 quality. ~~The rules may include services to be provided and~~  
73 ~~authorized procedures. Notwithstanding the requirements of~~  
74 ~~paragraph (4) (d), the department shall adopt rules that specify~~  
75 ~~required methods for determination and approval of patient~~  
76 ~~eligibility and referral and the contractual conditions under~~  
77 ~~which a health care provider may perform the patient eligibility~~  
78 ~~and referral process on behalf of the department. These rules~~  
79 ~~shall include, but not be limited to, the following~~  
80 ~~requirements:~~

81 ~~(a) The provider must accept all patients referred by the~~  
82 ~~department. However, the number of patients that must be~~  
83 ~~accepted may be limited by the contract.~~

84 ~~(b) The provider shall comply with departmental rules~~

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85 | ~~regarding the determination and approval of patient eligibility~~  
86 | ~~and referral.~~

87 | ~~(c) The provider shall complete training conducted by the~~  
88 | ~~department regarding compliance with the approved methods for~~  
89 | ~~determination and approval of patient eligibility and referral.~~

90 | ~~(d) The department shall retain review and oversight~~  
91 | ~~authority of the patient eligibility and referral determination.~~

92 | Section 2. This act shall take effect July 1, 2013.