

Sovereign Immunity – Summary & Access

Oral Health Services

December 24, 2003

Overview

Florida statute 766.1115 provides government protection to health care providers who offer free quality health care services to underserved populations of the State. Known as the “Access to Health Care Act” health care professionals who contract to provide such services as agents of the state are provided sovereign immunity. A health care provider under contract with the state may not be named as a defendant in any action arising out of the dental care or treatment provided.

Chapter 64F-11 details the rules for sovereign immunity including, definitions, client eligibility, volunteer provider eligibility, contract requirements, etc.

Volunteer Provider Eligibility

- Dentist or dental hygienist licensed under chapter 466
- Current valid Florida health professional license
- Signed contract for volunteer health care services with the Department of Health (DH)
- Not under investigation, probation, or suspension by Department of Professional Regulation or sanctioned by Health Care Financing Administration for Medicaid or Medicare violations
- Submit to a credentialing process and law enforcement background screening to determine acceptability of participation
- Participate in the governmental contractor’s quality assurance program in a manner commensurate with the level of participation in the Voluntary Health Care Provider program

Client Eligibility

- Complete eligibility determination in accordance with program guidelines
- Income and assets below 150% of the federal poverty level
- No insurance that covers the needed care

Sovereign Immunity Requirements

- Client must be determined eligible and referred by *DH representative
- Client must be informed of volunteer status of health care provider and sign DH form 1032
- DH form 1032 must be signed by DH representative
- DH form 1032 signed by volunteer dentist and returned to DH representative
- Services provided are uncompensated
- Client is not billed

Getting Sovereign Immunity (SI)

- Submit completed SI application (*Attachment 1*) to DH Volunteer Program
- Submit completed permission for background check (*Attachment 2*) to DH Volunteer Program
- Sign DH contract 1029 or 1031 (DH 1029 *Attachment 3*) {Provisions of 766.1115 F.S. *Attachment 4*}

Give Kids a Smile & SI

- Submit completed SI application & permission for background check by January 16, 2004
- Sign DH contract 1029 or 1031 prior to providing treatment
- Signed DH contract must be reviewed and signed by local authorized DH representative
- Complete eligibility determination of patients
- Complete DH form 1032
 - DH form 1032 must be signed by parent/guardian of child, DH representative, and dentist volunteer

*We Care staff are DH employees and may serve all functions related to DH representative and DH volunteer program.