

# Florida Medical Association FACT SHEET

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## **SOVEREIGN IMMUNITY FOR STATE'S TREATMENT PROGRAMS FOR HEALTH CARE LICENSEES**

HB 341 by Rep. Holder

SB by Sen.

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### **FMA Position**

The FMA supports legislation to grant sovereign immunity to the Professionals Resource Network (PRN) and the Intervention Project for Nurses (IPN) who, by contract with the Florida Department of Health, provide impairment services to all MQA licensees. This legislation is also supported by the Florida Nurses Association.

### **Background**

PRN and IPN are contracted by the Florida Department of Health to identify, intervene and provide appropriate referral and case management for all health care providers who are affected by a variety of impairments, primarily drugs and alcohol. These programs are nationally recognized as among the most successful programs in the country. They serve physicians, nurses and 25 other health care professions including dentists, pharmacists and chiropractors. These programs help to keep unsafe practitioners out of practice until they are able to safely practice, and monitors them closely thereafter.

### **Discussion**

The proposed legislation grants PRN and IPN sovereign immunity when acting pursuant to their contracts with the Department of Health (DOH) to provide impairment services. Providing sovereign immunity to impairment providers is very necessary as both PRN and IPN provide impairment services as an agent of DOH, and are currently subject to lawsuits arising out of those services. These lawsuits drain the programs' resources and will make it impossible for them to continue to provide much needed resources for Florida patients.

There is precedent in Florida law for this granting of sovereign immunity. Pursuant to Section 768.28, Florida Statutes, the following entities are some of many in Florida that have been granted sovereign immunity:

- The Florida Space Authority
- Members of the Florida Health Services Corps
- Health care providers or vendors, or any of their employees or agents, that have contractually agreed to act as agents of the Department of Corrections
- Regional poison control centers
- Operators, dispatchers, and providers of security for rail services and rail facility maintenance providers in the South Florida Rail Corridor
- Professional firm that provides monitoring and inspection services of the work required for state roadway, bridge, or other transportation facility construction projects as agents of the Department of Transportation
- Providers or vendors, or any of their employees or agents, that have contractually agreed to act on behalf of the state as agents of the Department of Juvenile Justice
- A health care practitioner who has contractually agreed to act as an agent of a state university board of trustees to provide medical services to a student athlete

### **Conclusion**

Granting sovereign immunity to these programs will help to ensure the continued safety of Florida patients.

1/16/07

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