

Bill No. SB 418

Amendment No. ____ Barcode 543142

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Senator Pruitt moved the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

Section 1. Subsection (6) of section 240.2995, Florida Statutes, is repealed.

Section 2. Notwithstanding the October 2, 2001, repeal of said subsections scheduled pursuant to the Open Government Sunset Review Act of 1995, subsections (2), (3), and (4) of section 240.2996, Florida Statutes, are reenacted and amended, and subsection (1) of said section is amended, to read:

240.2996 University health services support organization; confidentiality of information.--

(1) All meetings of a governing board of a university health services support organization and all university health services support organization records shall be open and available to the public in accordance with s. 286.011 and s. 24(b), Art. I of the State Constitution and chapter 119 and s. 24(a), Art. I of the State Constitution, respectively, unless

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1 made confidential or exempt by law. Records required by the
2 Department of Insurance to discharge its duties shall be made
3 available to the department upon request.

4 (2) The following university health services support
5 organization's records and information are confidential and
6 exempt from the provisions of s. 119.07(1) and s. 24(a), Art.
7 I of the State Constitution:

8 (a) Contracts for managed care arrangements under
9 which the university health services support organization
10 provides health care services, ~~including~~ preferred provider
11 organization contracts, health maintenance organization
12 contracts, alliance network arrangements, and exclusive
13 provider organization contracts, and any documents directly
14 relating to the negotiation, performance, and implementation
15 of any such contracts for managed care arrangements or
16 alliance network arrangements. As used in this paragraph, the
17 term "managed care" means systems or techniques generally used
18 by third-party payors or their agents to affect access to and
19 control payment for health care services. Managed-care
20 techniques most often include one or more of the following:
21 prior, concurrent, and retrospective review of the medical
22 necessity and appropriateness of services or site of services;
23 contracts with selected health care providers; financial
24 incentives or disincentives related to the use of specific
25 providers, services, or service sites; controlled access to
26 and coordination of services by a case manager; and payor
27 efforts to identify treatment alternatives and modify benefit
28 restrictions for high-cost patient care.

29 (b) Each ~~A~~ university health services support
30 organization's marketing plan the disclosure of which plans
31 ~~for marketing its services, which services are or may~~

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1 reasonably be expected by the organization's governing board
2 to be used by a competitor or an affiliated provider of the
3 organization to frustrate, circumvent, or exploit the purposes
4 of the plan before it is implemented and which is not
5 otherwise known or cannot be legally obtained by a competitor
6 or an affiliated provider ~~provided by competitors of the~~
7 ~~organization or its affiliated providers.~~ However, documents
8 that are submitted to the organization's governing board as
9 part of the board's approval of the organization's budget, and
10 the budget itself, are not confidential and exempt.

11 (c) Trade secrets, as defined in s. 688.002, including
12 reimbursement methodologies and rates.

13 (d) The records of the peer review panels, committees,
14 governing board, and agents of the university health services
15 support organization which relate solely to the evaluation of
16 health care services and professional credentials of health
17 care providers and physicians employed by or providing
18 services under contract to the university health services
19 support organization. The exemptions created by this
20 paragraph shall not be construed to impair any otherwise
21 established rights of an individual health care provider to
22 inspect documents concerning the determination of such
23 provider's professional credentials.

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25 ~~The exemptions in this subsection are subject to the Open~~
26 ~~Government Sunset Review Act of 1995 in accordance with s.~~
27 ~~119.15 and shall stand repealed on October 2, 2001, unless~~
28 ~~reviewed and saved from repeal through reenactment by the~~
29 ~~Legislature.~~

30 (3) Any portion of a governing board or peer review
31 panel or committee meeting during which a confidential and

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1 exempt contract, document, record, marketing plan, or trade
 2 secret, as provided for in subsection (2), is discussed is
 3 exempt from the provisions of s. 286.011 and s. 24(b), Art. I
 4 of the State Constitution. ~~The exemption in this subsection~~
 5 ~~is subject to the Open Government Sunset Review Act of 1995 in~~
 6 ~~accordance with s. 119.15 and shall stand repealed on October~~
 7 ~~2, 2001, unless reviewed and saved from repeal through~~
 8 ~~reenactment by the Legislature.~~

9 (4) Those portions of any public record, such as a
 10 tape recording, minutes, and notes, generated during that
 11 portion of a governing board or peer review panel or committee
 12 meeting which is closed to the public pursuant to this
 13 section, which contain information relating to contracts,
 14 documents, records, marketing plans, or trade secrets which
 15 are made confidential and exempt by this section, are
 16 confidential and exempt from the provisions of s. 119.07(1)
 17 and s. 24(a), Art. I of the State Constitution. ~~The exemptions~~
 18 ~~in this subsection are subject to the Open Government Sunset~~
 19 ~~Review Act of 1995 in accordance with s. 119.15 and shall~~
 20 ~~stand repealed on October 2, 2001, unless reviewed and saved~~
 21 ~~from repeal through reenactment by the Legislature.~~

22 Section 3. This act shall take effect October 1, 2001.

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25 ===== T I T L E A M E N D M E N T =====

26 And the title is amended as follows:

27 Delete everything before the enacting clause

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29 and insert:

30 A bill to be entitled

31 An act relating to public records and meetings

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1 exemptions for university health services
2 support organizations; repealing s.
3 240.2995(6), F.S., which provides that meetings
4 of the governing board of a university health
5 services support organization are public and
6 requires that certain records be made available
7 to the Department of Insurance; amending s.
8 240.2996, F.S., which provides exemptions from
9 public records and meetings requirements for
10 certain contracts and related documents,
11 marketing plans, trade secrets, and evaluation
12 records of such organizations, for meetings at
13 which any of such records or information is
14 discussed, and for records of such meetings;
15 reenacting such exemptions and removing the
16 October 2, 2001, repeal thereof scheduled under
17 the Open Government Sunset Review Act of 1995;
18 narrowing the type of marketing plans exempted;
19 requiring university health services support
20 organizations to make certain records available
21 to the Department of Insurance; providing an
22 effective date.

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