

Bill No. CS for CS for SB 1564

Amendment No. Barcode 410896

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

Senate Amendment (with title amendment)

On page 233, line 15, through
page 240, line 5, delete those lines

and insert:

240.2995 University health services support organizations.--

(1) Each state university may ~~is authorized to~~ establish university health services support organizations that ~~which shall~~ have the ability to enter into, for the benefit of the university academic health sciences center, arrangements with other entities as providers in other integrated health care systems or similar entities. To the extent required by law or rule, university health services support organizations shall become licensed as insurance companies, pursuant to chapter 624, or be certified as health maintenance organizations, pursuant to chapter 641. University health services support organizations shall have sole responsibility for the acts, debts, liabilities, and

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1 obligations of the organization. In no case shall the state or
2 university have any responsibility for such acts, debts,
3 liabilities, and obligations incurred or assumed by university
4 health services support organizations.

5 (2) Each university health services support
6 organization shall be a Florida corporation not for profit,
7 incorporated under the provisions of chapter 617 and approved
8 by the Department of State.

9 (3) The State Board of Education ~~Board of Regents~~ may
10 prescribe, by rule, conditions with which a university health
11 services support organization must comply in order to be
12 certified. Each university board of trustees may adopt rules
13 providing the conditions with which a university health
14 support organization must comply in order ~~and~~ to use property,
15 facilities, or personal services at the ~~any~~ state university.
16 The rules must provide for budget, audit review, and oversight
17 by the State Board of Education ~~Board of Regents~~. Such rules
18 shall provide that the university health services support
19 organization may provide salary supplements and other
20 compensation or benefits for university faculty and staff
21 employees only as set forth in the organization's budget,
22 which is ~~shall be~~ subject to approval by the university
23 president.

24 (4) Each university board of trustees ~~The chair of the~~
25 ~~Board of Regents~~ may appoint a representative to the board of
26 directors and the executive committee of any university health
27 services support organization established under this section.
28 The president of the university for which the university
29 health services support organization is established, or the
30 president's designee, shall also serve on the board of
31 directors and the executive committee of any university health

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1 services support organization established to benefit that
2 university.

3 (5) Each university health services support
4 organization shall provide for an annual financial audit in
5 accordance with s. 240.299(5)~~s. 240.299(4)~~. The auditor's
6 report, management letter, and any supplemental data requested
7 by the State Board of Education ~~Board of Regents~~ and the
8 Auditor General are ~~shall be considered~~ public records,
9 pursuant to s. 119.07.

10 Section 1. Notwithstanding subsection (7) of section 3
11 of chapter 2000-321, Laws of Florida, section 240.2996,
12 Florida Statutes, shall not stand repealed January 7, 2003, as
13 scheduled by that law, but that section is reenacted and
14 amended to read:

15 240.2996 University health services support
16 organization; confidentiality of information.--

17 (1) All meetings of a governing board of a university
18 health services support organization and all university health
19 services support organization records shall be open and
20 available to the public in accordance with s. 286.011 and s.
21 24(b), Art. I of the State Constitution and chapter 119 and s.
22 24(a), Art. I of the State Constitution, respectively, unless
23 made confidential or exempt by law. Records required by the
24 Department of Insurance to discharge its duties shall be made
25 available to the department upon request.

26 (2) The following ~~university health services support~~
27 ~~organization's~~ records and information of a university health
28 services support organization are confidential and exempt from
29 ~~the provisions of~~ s. 119.07(1) and s. 24(a), Art. I of the
30 State Constitution:

31 (a) Contracts for managed care arrangements under

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

21 (b) Each university health services support
22 organization's marketing plan the disclosure of which may
23 reasonably be expected by the organization's governing board
24 to be used by a competitor or an affiliated provider of the
25 organization to frustrate, circumvent, or exploit the purposes
26 of the plan before it is implemented and which is not
27 otherwise known or cannot be legally obtained by a competitor
28 or an affiliated provider. However, documents that are
29 submitted to the organization's governing board as part of the
30 board's approval of the organization's budget, and the budget
31 itself, are not confidential and exempt.

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

3 (d) The records of the peer review panels, committees,
4 governing board, and agents of the university health services
5 support organization which relate solely to the evaluation of
6 health care services and professional credentials of health
7 care providers and physicians employed by or providing
8 services under contract to the university health services
9 support organization. The exemptions created by this paragraph
10 shall not be construed to impair any otherwise established
11 rights of an individual health care provider to inspect
12 documents concerning the determination of such provider's
13 professional credentials.

14 (3) Any portion of a governing board or peer review
15 panel or committee meeting during which a confidential and
16 exempt contract, document, record, marketing plan, or trade
17 secret, as provided for in subsection (2), is discussed is
18 exempt from the provisions of s. 286.011 and s. 24(b), Art. I
19 of the State Constitution.

20 (4) Those portions of any public record, such as a
21 tape recording, minutes, and notes, generated during that
22 portion of a governing board or peer review panel or committee
23 meeting which is closed to the public pursuant to this
24 section, which contain information relating to contracts,
25 documents, records, marketing plans, or trade secrets which
26 are made confidential and exempt by this section, are
27 confidential and exempt from the provisions of s. 119.07(1)
28 and s. 24(a), Art. I of the State Constitution.

29 (5) The exemptions from s. 119.07(1) and s. 24(a),
30 Art. I of the State Constitution and s. 286.011 and s. 24(b),
31 Art. I of the State Constitution provided in this section do

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1 not apply if the governing board of a university health
2 services support organization votes to lease, sell, or
3 transfer all or any substantial part of the facilities or
4 property of the university health services support
5 organization to a nonpublic entity.

6 (6) Any person may petition a court of competent
7 jurisdiction for an order for the public release of those
8 portions of any public record, such as a tape recording,
9 minutes, or notes, generated during that portion of a
10 governing board meeting which is closed to the public pursuant
11 to subsection (3), which record is made confidential and
12 exempt by subsection (4). Any action pursuant to this
13 subsection must be brought in the county where the principal
14 office of the university health services support organization
15 is located, as reflected in the records of the custodian of
16 state records ~~Secretary of State~~. In any order for the public
17 release of a record pursuant to this subsection, the court
18 shall make a finding that a compelling public interest is
19 served by the release of the record or portions thereof which
20 exceeds the public necessity for maintaining the
21 confidentiality of such record as described in s. 2, chapter
22 96-171, Laws of Florida, and that the release of the record
23 will not cause damage to or adversely affect the interests of
24 private persons, business entities, the university health
25 services support organization, or the affiliated university.

26 (7) Those portions of any public record, such as a
27 tape recording, minutes, or notes, generated during that
28 portion of a governing board meeting at which negotiations for
29 contracts for managed-care arrangements occur, are reported
30 on, or are acted on by the governing board, which record is
31 made confidential and exempt by subsection (4), shall become

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1 public records 2 years after the termination or completion of
2 the term of the contract to which such negotiations relate or,
3 if no contract was executed, 2 years after the termination of
4 the negotiations. Notwithstanding paragraph (2)(a) and
5 subsection (4), a university health services support
6 organization must make available, upon request, the title and
7 general description of a contract for managed-care
8 arrangements, the names of the contracting parties, and the
9 duration of the contract term. All contracts for managed-care
10 arrangements which are made confidential and exempt by
11 paragraph (2)(a), except those portions of any contract
12 containing trade secrets which are made confidential and
13 exempt by paragraph (2)(c), shall become public 2 years after
14 the termination or completion of the term of the contract.

15 (8) A university health services support organization
16 may petition a court of competent jurisdiction to continue the
17 confidentiality of any public record made nonconfidential by
18 this section, upon a showing of good cause. In determining
19 good cause, the court shall balance the property, privacy, and
20 economic interests of any affected person or business entity
21 with those of the university health services support
22 organization and with the public interest and must make a
23 finding that a substantial public interest is served by the
24 continued confidentiality of the public record for an
25 additional time period. The length of time for this continued
26 exemption may be no longer than is necessary to protect that
27 substantial public interest.

28 (9) This act does not preclude discovery of records
29 and information that are otherwise discoverable under the
30 Florida Rules of Civil Procedure or any statutory provision
31 allowing discovery or presuit disclosure of such records and

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1 information for the purpose of civil actions.

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

5 And the title is amended as follows:

6 On page 20, line 27, through

7 page 21, line 8, delete those lines

8

9 and insert:

10 university health services support

11 organizations; authorizing boards of trustees

12 to establish health services support

13 organizations; authorizing the State Board of

14 Education to adopt rules prescribing compliance

15 with certain conditions for the health services

16 support organizations; eliminating obsolete

17 provisions; authorizing a university board of

18 trustees to appoint representatives to the

19 board of directors of the health services

20 support organization; reenacting and amending

21 s. 240.2996, F.S., relating to confidentiality

22 of information for health services

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