

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

.  
. .  
.

---

Representative Gelber offered the following:

**Substitute Amendment for Amendment (192267) (with title amendment)**

Between lines 1574 and 1575, insert:

Section 34. Subsections (12), (13), and (18) of section 641.19, Florida Statutes, are amended to read:

641.19 Definitions.--As used in this part, the term:

(12) "Health maintenance contract" means any contract entered into by a health maintenance organization with a subscriber or group of subscribers to provide coverage for comprehensive health care services in exchange for a prepaid per capita or prepaid aggregate fixed sum.

(13) "Health maintenance organization" means any organization authorized under this part which:

(a) Provides, through arrangements with other persons, emergency care, inpatient hospital services, physician care

Amendment No. (for drafter's use only)

28 including care provided by physicians licensed under chapters  
29 458, 459, 460, and 461, ambulatory diagnostic treatment, and  
30 preventive health care services.†

31 (b) Provides, either directly or through arrangements with  
32 other persons, health care services to persons enrolled with  
33 such organization, on a prepaid per capita or prepaid aggregate  
34 fixed-sum basis.†

35 (c) Provides, either directly or through arrangements with  
36 other persons, comprehensive health care services which  
37 subscribers are entitled to receive pursuant to a contract.†

38 (d) Provides physician services, by physicians licensed  
39 under chapters 458, 459, 460, and 461, directly through  
40 physicians who are either employees or partners of such  
41 organization or under arrangements with a physician or any group  
42 of physicians.†~~and~~

43 (e) If offering services through a managed care system,  
44 ~~has then the managed care system must be~~ a system in which a  
45 primary physician licensed under chapter 458 or chapter 459 and  
46 chapters 460 and 461 is designated for each subscriber upon  
47 request of a subscriber requesting service by a physician  
48 licensed under any of those chapters, and is responsible for  
49 coordinating the health care of the subscriber of the  
50 respectively requested service and for referring the subscriber  
51 to other providers of the same discipline when necessary. Each  
52 female subscriber may select as her primary physician an  
53 obstetrician/gynecologist who has agreed to serve as a primary  
54 physician and is in the health maintenance organization's  
55 provider network.

Amendment No. (for drafter's use only)

57 No health care provider shall be deemed the employee, agent, or  
 58 apparent agent of a health maintenance organization unless the  
 59 totality of the circumstances establishes that the health  
 60 maintenance organization either exercised control or a right of  
 61 control over such health care provider or caused or allowed a  
 62 claimant to believe that the health care provider was an  
 63 employee or agent of the health maintenance organization and the  
 64 claimant justifiably relied upon that belief in dealing with the  
 65 health care provider.

66 (18) "Subscriber" means an entity or individual who has  
 67 contracted, or on whose behalf a contract has been entered into,  
 68 with a health maintenance organization for health care coverage  
 69 ~~services~~ or other persons who also receive health care coverage  
 70 ~~services~~ as a result of the contract.

71  
 72 ===== T I T L E A M E N D M E N T =====

73 Remove line 122, and insert:  
 74 enforcement; amending s. 641.19, F.S.; providing that health  
 75 care providers providing services pursuant to coverage provided  
 76 under a health maintenance organization contract are not  
 77 employees or agents of the health maintenance organization;  
 78 providing exceptions; amending s. 766.106, F.S.; requiring the