

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Schwartz offered the following:

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3 **Amendment (with title amendment)**

4 Remove lines 299-318 and insert:

5 409.961 Statutory construction; applicability; rules.-

6 (1) It is the intent of the Legislature that if any  
7 conflict exists between the provisions contained in this part  
8 and in other parts of this chapter, the provisions in this part  
9 control. Sections 409.961-409.985 apply only to the Medicaid  
10 managed medical assistance program and long-term care managed  
11 care program, as provided in this part. The agency shall adopt  
12 any rules necessary to comply with or administer this part and  
13 all rules necessary to comply with federal requirements. In  
14 addition, the department shall adopt and accept the transfer of  
15 any rules necessary to carry out the department's  
16 responsibilities for receiving and processing Medicaid  
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17 applications and determining Medicaid eligibility and for  
18 ensuring compliance with and administering this part, as those  
19 rules relate to the department's responsibilities, and any other  
20 provisions related to the department's responsibility for the  
21 determination of Medicaid eligibility. Contracts with the agency  
22 and a person or entity, including Medicaid providers and managed  
23 care plans, necessary to administer the Medicaid program are not  
24 rules and are not subject to rule promulgation under chapter  
25 120.

26 (2) For the purpose of fulfilling contract requirements,  
27 plans must disclose chief executive officer compensation and  
28 executive compensation packages by prospective contractors under  
29 consideration, such as the standards for disclosure of executive  
30 compensation described in Item 402 of Regulation S-K adopted by  
31 the United States Securities and Exchange Commission. Required  
32 disclosure must include, but is not limited to:

33 (a) Compensatory information for the contracting entity's  
34 chief executive officer and its four most highly compensated  
35 executive officers other than the chief executive officer.

36 (b) A series of tables setting forth each compensatory  
37 element for a particular year.

38 (c) A report by the contractor or subcontractor  
39 articulating the bases for their compensation decisions,  
40 including the relationship to corporate performance.

41 (d) Where applicable, a comparison of total shareholder  
42 returns of the contracting entity against those of a broad  
43 market index and a peer group.

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**T I T L E   A M E N D M E N T**

Between lines 15 and 16, insert:

    providing disclosure requirements for such  
contracts;