

BY: Conference Committee

AMENDMENT TO HOUSE BILL NO. 167

(Third Reading File Bill)

On pages 6 and 7, strike in their entirety the lines beginning with line 29 on page 6 through line 13 on page 7, inclusive, and substitute:

“(C) (1) ON REQUEST TO THE REGULATING ENTITY, AND SUBJECT TO PARAGRAPHS (2), (3), AND (4) OF THIS SUBSECTION, AN APPLICATION AND RELATED DOCUMENTS SHALL BE AVAILABLE FOR PUBLIC INSPECTION AND COPYING.

(2) EXCEPT AS PROVIDED IN PARAGRAPHS (3) AND (4) OF THIS SUBSECTION OR OTHERWISE BY LAW, ALL INFORMATION AND DOCUMENTS THAT ARE FILED WITH THE REGULATING ENTITY IN COMPLIANCE WITH THE REQUIREMENTS OF THIS TITLE OR THAT ARE REPORTED TO, OBTAINED BY, OR OTHERWISE DISCLOSED TO THE REGULATING ENTITY OR ANY OTHER PERSON IN THE COURSE OF AN EXAMINATION OR INVESTIGATION MADE UNDER THIS TITLE:

(I) ARE CONFIDENTIAL MATERIAL;

(II) ARE NOT SUBJECT TO SUBPOENA; AND

(III) MAY NOT BE MADE PUBLIC BY THE REGULATING ENTITY OR ANY OTHER PERSON.

(3) MATERIAL THAT OTHERWISE IS CONFIDENTIAL UNDER PARAGRAPH (2) OF THIS SUBSECTION MAY BE MADE PUBLIC BY ANY PERSON TO WHOM THE NONPROFIT HEALTH ENTITY TO WHICH THE MATERIAL RELATES GIVES PRIOR WRITTEN CONSENT.

(Over)

(4) IF, AFTER GIVING A NONPROFIT HEALTH ENTITY NOTICE AND AN OPPORTUNITY TO BE HEARD, THE REGULATING ENTITY DETERMINES THAT IT IS IN THE INTEREST OF THE POLICYHOLDERS, STOCKHOLDERS, OR THE PUBLIC TO MAKE PUBLIC ANY MATERIAL RELATING TO THE NONPROFIT HEALTH ENTITY THAT OTHERWISE IS CONFIDENTIAL UNDER PARAGRAPH (2) OF THIS SUBSECTION, THE REGULATING ENTITY MAY MAKE PUBLIC ALL OR PART OF THE MATERIAL IN AN APPROPRIATE MANNER.”.

On page 7, strike beginning with “A” in line 17 down through “LOCATED” in line 19 and substitute “THE MOST WIDELY CIRCULATED NEWSPAPERS THAT ARE PART OF A NONPROFIT HEALTH ENTITY’S SERVICE AREA”.

On page 8, in line 1, after “(A)” insert “(1)”; and after line 3, insert:

“(2) IF THE NONPROFIT HEALTH ENTITY IS A HOSPITAL, THE REGULATING ENTITY SHALL HOLD THE PUBLIC HEARING IN THE JURISDICTION IN WHICH THE HOSPITAL IS LOCATED.”.

On page 10, in lines 2, 4, and 6, in each instance, strike “WITHIN THIS STATE”.

On page 13, in line 37, strike “PROCEDURES” and substitute “MECHANISMS”.