

1 AMENDMENT TO HOUSE BILL 0086

2 AMENDMENT NO. _____. Amend House Bill 0086 on page 2, by
3 replacing line 32 with the following:

4 "(b) A health insurance carrier, health maintenance
5 organization, or other managed care entity for a health care
6 plan has the duty to exercise ordinary care in selecting and
7 exercising control over physicians who render health care
8 services under the plan and is liable for damages for harm to
9 an insured or enrollee proximately caused by its failure to
10 exercise such ordinary care.

11 (c) A health insurance carrier, health maintenance
12 organization, or other managed care entity for a health care
13 plan is liable for damages for harm to an insured or enrollee
14 proximately caused by its breach of any contract or warranty
15 relating to the provision of health care services under the
16 plan.

17 (d) A health insurance carrier, health maintenance"; and
18 on page 3, by replacing lines 10 and 11 with the following:

19 "that results in the failure to exercise ordinary care; or

20 (5) implied agents over whom it has exerted such
21 sufficient control as to negate their status as
22 independent contractors.

23 (e) The standards in subsections (a), (b), (c), and (d)

- 1 create no"; and
- 2 on page 3, line 16, by changing "(d)" to "(f)"; and
- 3 on page 3, line 22, by changing "(e)" to "(g)"; and
- 4 on page 3, line 31, by changing "(f)" to "(h)"; and
- 5 on page 4, line 4, by changing "(g)" to "(i)"; and
- 6 on page 4, line 13, by changing "(h)" to "(j)"; and
- 7 on page 4, line 15, by changing "(i)" to "(k)"; and
- 8 on page 4, by deleting lines 17 through 20.