

1.1 ..... moves to amend H.F. No. 3073, the first engrossment, as follows:

1.2 Page 7, after line 27, insert:

1.3 "Sec. 13. **[65B.541] WHISTLEBLOWERS.**

1.4 Subdivision 1. **Financial resources.** In any investigation or prosecution by the state,  
1.5 nothing shall prohibit an insurer from providing the financial resources necessary for  
1.6 conducting the investigation and prosecution.

1.7 Subd. 2. **Whistleblowers.** (a) Without limiting an insurer's right of full recovery of  
1.8 proceeds paid for services deemed noncompensable, the court may also award those sums  
1.9 deemed appropriate, but in no case more than 37 percent of proceeds to be recovered or  
1.10 saved by the insurer with respect to a particular runner, capper, or steerer, to a qualified  
1.11 person or entity (herein, "informant") who provides the primary specific evidence or  
1.12 information in support of one or more violations under this section, taking into account  
1.13 the significance of the evidence or information. For the purposes of this subdivision,  
1.14 "informant" shall not include any person or entity bringing an action under this section or  
1.15 acting on behalf of the news media.

1.16 (b) An insurer may elect to reimburse, including on a pre-payment basis or  
1.17 otherwise, reasonable out-of-pocket costs of an actual or potential informant which is  
1.18 incurred or likely to be incurred in the course of preparing and disclosing the information.  
1.19 Such out-of-pocket costs shall include without limit any applicable attorney's fees  
1.20 associated with the preparation and disclosure of the information by the informant.

1.21 (c) An actual or potential informant may place conditions on the use and disclosure of  
1.22 the information. Such conditions may include without limit confidentiality as to the identity  
1.23 of the informant, as well as the nature of any reimbursement terms, restrictions on the scope  
1.24 of individuals and entities with whom the insurer may properly disclose the information,  
1.25 assistance in the determination of the scope of the insurer's investigation or efforts to  
1.26 prosecute, and other conditions relating to the use and disclosure of the information.

2.1 (d) Unless otherwise requested by the informant, all information provided by an  
2.2 informant, including any restriction on use and disclosure, if presented in court, shall be  
2.3 examined in a confidential, in camera proceeding, unless the informant requests a hearing  
2.4 in open court and the court determines that a public hearing is necessary to the public  
2.5 interest and the proper administration of justice.

2.6 (e) In the absence of actual malice, no person or entity furnishing, disclosing, or  
2.7 requesting such information under this section shall be subject to civil liability for libel,  
2.8 slander, or any other cause of action arising from the furnishing, disclosing, or requesting  
2.9 of such information. Any person or entity against whom any action is brought who is  
2.10 found to be immune from liability under this section, shall be entitled to recover reasonable  
2.11 attorney's fees and costs from the person or party who brought the action. This section does  
2.12 not abrogate or modify in any way any common law or statutory privilege or immunity  
2.13 heretofore enjoyed by any person or entity. Without limiting the terms of this subdivision:

2.14 (1) an insurer shall be permitted to notify any change of representation or treating  
2.15 health care provider to state and federal agencies, prior attorneys of record, prior treating  
2.16 providers of record, and the patient or client, and to discuss the change with such persons  
2.17 or entities; and

2.18 (2) an insurer shall be permitted to request an explanation of circumstances of change  
2.19 of treating provider and attorney to the subsequent treating provider and attorney or the  
2.20 patient or client; notwithstanding the foregoing, (i) the payment of any benefits relating to  
2.21 the patient shall not be suspended or conditioned upon on the failure of the subsequent  
2.22 treating provider or attorney to respond to the request or provide such explanation and (ii)  
2.23 the request shall clearly and conspicuously state that the payment of benefits shall not be  
2.24 suspended or conditioned upon a response or explanation.

2.25 **EFFECTIVE DATE.** This section is effective August 1, 2014."

2.26 Renumber the sections in sequence and correct the internal references

2.27 Amend the title accordingly