

40107 Provider

"Provider" for the purpose of Section 40115 means an individual:

(a)

Who is a direct provider of health care (including a physician, dentist, pharmacist, nurse, podiatrist or physician's assistant) in that the individual's primary current activity is the provision of health care to individuals or the administration of health facilities or institutions (including hospitals, long-term care facilities, outpatient facilities and health maintenance organizations) in which such care is provided and, when required by state law, the individual has received professional training in the provision of such care or in such administration and is licensed or certified for such provision or administration or;

(b)

Who is an indirect provider in that the individual:(1) Holds a fiduciary position in, or has a fiduciary interest in, any entity described in subclause (B) or (D) of clause (2); (2) Receives (either directly or through his/her spouse) more than 1/10 of his/her gross annual income from any one or combination of the following: (A) Fees or other compensation for research into or instruction in the provision of health care, (B) Entities engaged in the provision of health care or in such research or instruction, (C) Producing or supplying drugs or other articles for individuals or entities for use in the provision of or in research into or instruction in the provision of health care, (D) Entities engaged in producing drugs or such other articles. (3) Is

a member of the immediate family of an individual who is a direct or indirect provider as described in (a) or (b) or; (4) Is engaged in insuring any policy or contract of individual or group health insurance or hospital or medical benefits.

(1)

Holds a fiduciary position in, or has a fiduciary interest in, any entity described in subclause (B) or (D) of clause (2);

(2)

Receives (either directly or through his/her spouse) more than 1/10 of his/her gross annual income from any one or combination of the following: (A) Fees or other compensation for research into or instruction in the provision of health care, (B) Entities engaged in the provision of health care or in such research or instruction, (C) Producing or supplying drugs or other articles for individuals or entities for use in the provision of or in research into or instruction in the provision of health care, (D) Entities engaged in producing drugs or such other articles.

(A)

Fees or other compensation for research into or instruction in the provision of health care,

(B)

Entities engaged in the provision of health care or in such research or instruction,

(C)

Producing or supplying drugs or other articles for individuals or entities for use in the provision of or in research into or instruction in the provision of health care,

(D)

Entities engaged in producing drugs or such other articles.

(3)

Is a member of the immediate family of an individual who is a direct or indirect provider as described in (a) or (b) or;

(4)

Is engaged in insuring any policy or contract of individual or group health insurance or hospital or medical benefits.