

3/8/18

ENROLLED

HB 37

2018 Legislature

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An act relating to direct primary care agreements; creating s. 624.27, F.S.; providing definitions; specifying that a direct primary care agreement does not constitute insurance and is not subject to the Florida Insurance Code; specifying that entering into a direct primary care agreement does not constitute the business of insurance and is not subject to the code; providing that a certificate of authority is not required to market, sell, or offer to sell a direct primary care agreement; specifying requirements for a direct primary care agreement; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 624.27, Florida Statutes, is created to read:

624.27 Direct primary care agreements; exemption from code.-

(1) As used in this section, the term:

(a) "Direct primary care agreement" means a contract between a primary care provider and a patient, a patient's legal representative, or a patient's employer, which meets the requirements of subsection (4) and does not indemnify for

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26 services provided by a third party.

27 (b) "Primary care provider" means a health care provider
 28 licensed under chapter 458, chapter 459, chapter 460, or chapter
 29 464, or a primary care group practice, who provides primary care
 30 services to patients.

31 (c) "Primary care services" means the screening,
 32 assessment, diagnosis, and treatment of a patient conducted
 33 within the competency and training of the primary care provider
 34 for the purpose of promoting health or detecting and managing
 35 disease or injury.

36 (2) A direct primary care agreement does not constitute
 37 insurance and is not subject to the Florida Insurance Code. The
 38 act of entering into a direct primary care agreement does not
 39 constitute the business of insurance and is not subject to the
 40 Florida Insurance Code.

41 (3) A primary care provider or an agent of a primary care
 42 provider is not required to obtain a certificate of authority or
 43 license under the Florida Insurance Code to market, sell, or
 44 offer to sell a direct primary care agreement.

45 (4) For purposes of this section, a direct primary care
 46 agreement must:

47 (a) Be in writing.

48 (b) Be signed by the primary care provider or an agent of
 49 the primary care provider and the patient, the patient's legal
 50 representative, or the patient's employer.

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51 (c) Allow a party to terminate the agreement by giving the
 52 other party at least 30 days' advance written notice. The
 53 agreement may provide for immediate termination due to a
 54 violation of the physician-patient relationship or a breach of
 55 the terms of the agreement.

56 (d) Describe the scope of primary care services that are
 57 covered by the monthly fee.

58 (e) Specify the monthly fee and any fees for primary care
 59 services not covered by the monthly fee.

60 (f) Specify the duration of the agreement and any
 61 automatic renewal provisions.

62 (g) Offer a refund to the patient, the patient's legal
 63 representative, or the patient's employer of monthly fees paid
 64 in advance if the primary care provider ceases to offer primary
 65 care services for any reason.

66 (h) Contain, in contrasting color and in at least 12-point
 67 type, the following statement on the signature page: "This
 68 agreement is not health insurance and the primary care provider
 69 will not file any claims against the patient's health insurance
 70 policy or plan for reimbursement of any primary care services
 71 covered by the agreement. This agreement does not qualify as
 72 minimum essential coverage to satisfy the individual shared
 73 responsibility provision of the Patient Protection and
 74 Affordable Care Act, 26 U.S.C. s. 5000A. This agreement is not
 75 workers' compensation insurance and does not replace an

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76 | employer's obligations under chapter 440."

77 | Section 2. This act shall take effect July 1, 2018.