

By Senator Lee

20-00216A-18

201880__

1 A bill to be entitled
2 An act relating to direct primary care; creating s.
3 456.0625, F.S.; defining terms; authorizing primary
4 care providers or their agents to enter into direct
5 primary care agreements for providing primary care
6 services; providing applicability; specifying
7 requirements for direct primary care agreements;
8 creating s. 624.27, F.S.; providing construction and
9 applicability of the Florida Insurance Code as to
10 direct primary care agreements; providing an exception
11 for primary care providers or their agents from
12 certain requirements under the code under certain
13 circumstances; providing an effective date.

14
15 Be It Enacted by the Legislature of the State of Florida:

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17 Section 1. Section 456.0625, Florida Statutes, is created
18 to read:

19 456.0625 Direct primary care agreements.-

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

21 (a) "Direct primary care agreement" means a contract
22 between a primary care provider and a patient, the patient's
23 legal representative, or an employer which meets the
24 requirements specified under subsection (3) and which does not
25 indemnify for services provided by a third party.

26 (b) "Primary care provider" means a health care
27 practitioner licensed under chapter 458, chapter 459, chapter
28 460, or chapter 464 or a primary care group practice that
29 provides medical services to patients which are commonly

20-00216A-18

201880__

30 provided without referral from another health care provider.

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

35 (2) A primary care provider or an agent of the primary care
36 provider may enter into a direct primary care agreement for
37 providing primary care services. Section 624.27 applies to a
38 direct primary care agreement.

39 (3) A direct primary care agreement must:

40 (a) Be in writing.

41 (b) Be signed by the primary care provider or an agent of
42 the primary care provider and the patient, the patient's legal
43 representative, or an employer.

44 (c) Allow a party to terminate the agreement by giving the
45 other party at least 30 days' advance written notice. The
46 agreement may provide for immediate termination due to a
47 violation of the physician-patient relationship or a breach of
48 the terms of the agreement.

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

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

53 (f) Specify the duration of the agreement and any automatic
54 renewal provisions.

55 (g) Offer a refund to the patient of monthly fees paid in
56 advance if the primary care provider ceases to offer primary
57 care services for any reason.

58 (h) Contain, in contrasting color and in not less than 12-

20-00216A-18

201880__

59 point type, the following statements on the same page as the
60 applicant's signature:

61 1. This agreement is not health insurance, and the primary
62 care provider will not file any claims against the patient's
63 health insurance policy or plan for reimbursement of any primary
64 care services covered by this agreement.

65 2. This agreement does not qualify as minimum essential
66 coverage to satisfy the individual shared responsibility
67 provision of the federal Patient Protection and Affordable Care
68 Act, Pub. L. No. 111-148.

69 3. This agreement is not workers' compensation insurance
70 and may not replace the employer's obligations under chapter
71 440.

72 Section 2. Section 624.27, Florida Statutes, is created to
73 read:

74 624.27 Application of code as to direct primary care
75 agreements.-

76 (1) A direct primary care agreement, as defined in s.
77 456.0625, does not constitute insurance and is not subject to
78 any chapter of the Florida Insurance Code. The act of entering
79 into a direct primary care agreement does not constitute the
80 business of insurance and is not subject to any chapter of the
81 Florida Insurance Code.

82 (2) A primary care provider or an agent of a primary care
83 provider is not required to obtain a certificate of authority or
84 license under any chapter of the Florida Insurance Code to
85 market, sell, or offer to sell a direct primary care agreement
86 pursuant to s. 456.0625.

87 Section 3. This act shall take effect July 1, 2018.