

1 A bill to be entitled

2 An act relating to direct primary care; creating s.
3 624.27, F.S.; providing definitions; specifying that a
4 direct primary care agreement does not constitute
5 insurance and is not subject to the Florida Insurance
6 Code, including chapter 636, F.S., relating to prepaid
7 limited health service organizations and discount
8 medical plan organizations; specifying that entering
9 into a direct primary care agreement does not
10 constitute the business of insurance and is not
11 subject to the code; providing that a certificate of
12 authority is not required to market, sell, or offer to
13 sell a direct primary care agreement; specifying
14 criteria for a direct primary care agreement;
15 providing an effective date.

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

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

21 624.27 Application of code as to direct primary care
22 agreements.-

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

24 (a) "Direct primary care agreement" means a contract
25 between a primary care provider and a patient, the patient's
26 legal representative, or an employer, which meets the criteria

27 of subsection (4) and does not indemnify for services provided
28 by a third party.

29 (b) "Primary care provider" means a health care provider
30 licensed under chapter 458, chapter 459, or chapter 464, or a
31 primary care group practice, that provides medical services to
32 patients which are commonly provided without referral from
33 another health care provider.

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

39 (2) A direct primary care agreement does not constitute
40 insurance and is not subject to the Florida Insurance Code,
41 including chapter 636. The act of entering into a direct primary
42 care agreement does not constitute the business of insurance and
43 is not subject to the Florida Insurance Code, including chapter
44 636.

45 (3) A primary care provider or an agent of a primary care
46 provider is not required to obtain a certificate of authority or
47 license under the Florida Insurance Code, including chapter 636,
48 to market, sell, or offer to sell a direct primary care
49 agreement.

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

52 (a) Be in writing.

53 (b) Be signed by the primary care provider or an agent of
54 the primary care provider and the patient, the patient's legal
55 representative, or an employer.

56 (c) Allow a party to terminate the agreement by giving the
57 other party at least 60 days' advance written notice.

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

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

62 (f) Specify the duration of the agreement and any
63 automatic renewal provisions.

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

67 (h) State that the agreement is not health insurance and
68 that the primary care provider will not file any claims against
69 the patient's health insurance policy or plan for reimbursement
70 for any primary care services covered by the agreement.

71 (i) State that the agreement does not qualify as minimum
72 essential coverage that satisfies the individual shared
73 responsibility provision of the Patient Protection and
74 Affordable Care Act pursuant to 26 U.S.C. s. 5000A and that, to
75 avoid paying a penalty, the patient must otherwise obtain
76 minimum essential coverage that satisfies the requirements of
77 the Patient Protection and Affordable Care Act.

78 Section 2. This act shall take effect July 1, 2016.