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LEGISLATIVE ACTION

Senate

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House

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Floor: WD/2R

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05/02/2017 05:36 PM

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Senator Lee moved the following:

Senate Amendment (with title amendment)

Between lines 979 and 980

insert:

Section 23. Effective July 1, 2017, section 456.0625,
Florida Statutes, is created to read:

456.0625 Direct primary care agreements.-

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

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



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12 requirements specified under subsection (3) and which does not
13 indemnify for services provided by a third party.

14 (b) "Primary care provider" means a health care
15 practitioner licensed under chapter 458, chapter 459, chapter
16 460, or chapter 464 or a primary care group practice that
17 provides medical services to patients which are commonly
18 provided without referral from another health care provider.

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

23 (2) A primary care provider or an agent of the primary care
24 provider may enter into a direct primary care agreement for
25 providing primary care services. Section 624.27 applies to a
26 direct primary care agreement.

27 (3) A direct primary care agreement must:

28 (a) Be in writing.

29 (b) Be signed by the primary care provider or an agent of
30 the primary care provider and the patient, the patient's legal
31 representative, or an employer.

32 (c) Allow a party to terminate the agreement by giving the
33 other party at least 30 days' advance written notice. The
34 agreement may provide for immediate termination due to a
35 violation of the physician-patient relationship or a breach of
36 the terms of the agreement.

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

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



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41 (f) Specify the duration of the agreement and any automatic
42 renewal provisions.

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

46 (h) Contain, in contrasting color and in not less than 12-
47 point type, the following statements on the same page as the
48 applicant's signature:

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

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

57 3. This agreement is not workers' compensation insurance
58 and may not replace the employer's obligations under chapter
59 440, Florida Statutes.

60 Section 24. Effective July 1, 2017, section 624.27, Florida
61 Statutes, is created to read:

62 624.27 Application of code as to direct primary care
63 agreements.-

64 (1) A direct primary care agreement, as defined in s.
65 456.0625, does not constitute insurance and is not subject to
66 any chapter of the Florida Insurance Code. The act of entering
67 into a direct primary care agreement does not constitute the
68 business of insurance and is not subject to any chapter of the
69 Florida Insurance Code.



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70 (2) A primary care provider or an agent of a primary care
71 provider is not required to obtain a certificate of authority or
72 license under any chapter of the Florida Insurance Code to
73 market, sell, or offer to sell a direct primary care agreement
74 pursuant to s. 456.0625.

75 Section 25. This act shall take effect July 1, 2017.

76
77 ===== T I T L E A M E N D M E N T =====

78 And the title is amended as follows:

79 Delete lines 2 - 50

80 and insert:

81 An act relating to health care practitioners; amending
82 s. 456.076, F.S.; revising provisions related to
83 impaired practitioner programs; providing definitions;
84 deleting a requirement that the Department of Health
85 designate approved programs by rule; deleting a
86 requirement authorizing the department to adopt by
87 rule the manner in which consultants work with the
88 department; authorizing, rather than requiring, the
89 department to retain one or more consultants to
90 operate its impaired practitioner program; requiring
91 the department to establish the terms and conditions
92 of the program by contract; providing contract terms;
93 requiring consultants to establish the terms of
94 monitoring impaired practitioners; authorizing
95 consultants to consider the recommendations of certain
96 persons in establishing the terms of monitoring;
97 authorizing consultants to modify monitoring terms
98 under certain circumstances; requiring consultants to



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99 assist the department and licensure boards on certain
100 matters; requiring the department to refer
101 practitioners to consultants under certain
102 circumstances; prohibiting the department from
103 referring practitioners to consultants under certain
104 circumstances; authorizing consultants to withhold
105 certain information about self-reporting participants
106 from the department under certain circumstances;
107 requiring consultants to disclose all information
108 relating to practitioners who are terminated from the
109 program for specified reasons; providing that all
110 information obtained by a consultant retains its
111 confidential or exempt status; providing that
112 consultants, and certain agents of consultants, may
113 not be held liable financially or have a cause of
114 action for damages brought against them for disclosing
115 certain information or for any other act or omission
116 relating to the program; authorizing consultants to
117 contract with a school or program to provide services
118 to certain students; amending s. 456.0635, F.S.;
119 revising grounds for refusing to issue or renew a
120 license, certificate, or registration in a health care
121 profession; providing applicability; amending ss.
122 401.411, 456.072, 457.109, 458.331, 459.015, 460.413,
123 461.013, 462.14, 463.016, 464.018, 465.016, 466.028,
124 467.203, 468.217, 468.3101, and 483.825, F.S.;
125 providing that an impaired practitioner may be
126 reported to a consultant rather than the department
127 under certain circumstances; amending ss. 455.227,



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128 464.204, and 474.221, F.S.; conforming provisions to
129 changes made by the act; creating s. 456.0625, F.S.;
130 defining terms; authorizing primary care providers or
131 their agents to enter into direct primary care
132 agreements for providing primary care services;
133 providing applicability; specifying requirements for
134 direct primary care agreements; creating s. 624.27,
135 F.S.; providing construction and applicability of the
136 Florida Insurance Code as to direct primary care
137 agreements; providing an exception for primary care
138 providers or their agents from certain requirements
139 under the code under certain circumstances; providing
140 effective dates.