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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/21/2017	.	
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	.	

The Committee on Health Policy (Lee) recommended the following:

Senate Amendment (with title amendment)

Delete lines 20 - 83

and insert:

Section 1. 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 2. Section 624.27, Florida Statutes, is created to
61 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
76 ===== T I T L E A M E N D M E N T =====

77 And the title is amended as follows:

78 Delete lines 3 - 16

79 and insert:

80 456.0625, F.S.; defining terms; authorizing primary
81 care providers or their agents to enter into direct
82 primary care agreements for providing primary care
83 services; providing applicability; specifying
84 requirements for direct primary care agreements;
85 creating s. 624.27, F.S.; providing construction and
86 applicability of the Florida Insurance Code as to
87 direct primary care agreements; providing an exception
88 for primary care providers or their agents from
89 certain requirements under the code under certain
90 circumstances; providing an effective date.