

By the Committees on Appropriations; Health Policy; and Banking and Insurance; and Senators Lee and Mayfield

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1 A bill to be entitled
2 An act relating to direct primary care; amending s.
3 409.973, F.S.; requiring plans operating in the
4 managed medical assistance program to provide
5 enrollees an opportunity to enter into a direct
6 primary care agreement with identified network primary
7 care providers; encouraging such plans to enter into
8 alternative payment arrangements with network primary
9 care providers for a specified purpose; creating s.
10 456.0625, F.S.; defining terms; authorizing primary
11 care providers or their agents to enter into direct
12 primary care agreements for providing primary care
13 services; providing applicability; specifying
14 requirements for direct primary care agreements;
15 creating s. 624.27, F.S.; providing construction and
16 applicability of the Florida Insurance Code as to
17 direct primary care agreements; providing an exception
18 for primary care providers or their agents from
19 certain requirements under the code under certain
20 circumstances; providing an effective date.

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

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24 Section 1. Subsection (4) of section 409.973, Florida
25 Statutes, is amended to read:

26 409.973 Benefits.—

27 (4) PRIMARY CARE INITIATIVE.—Each plan operating in the
28 managed medical assistance program shall establish a program to
29 encourage enrollees to establish a relationship with their

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30 primary care provider. Plans shall provide enrollees with the
31 opportunity to enter into a direct primary care agreement with
32 identified network primary care providers. Plans are encouraged
33 to enter into alternative payment arrangements with primary care
34 providers in their networks to allow for the election by a
35 recipient for a direct primary care agreement within the
36 Statewide Medicaid Managed Care program. In addition, each plan
37 shall:

38 (a) Provide information to each enrollee on the importance
39 of and procedure for selecting a primary care provider, and
40 thereafter automatically assign to a primary care provider any
41 enrollee who fails to choose a primary care provider.

42 (b) If the enrollee was not a Medicaid recipient before
43 enrollment in the plan, assist the enrollee in scheduling an
44 appointment with the primary care provider. If possible the
45 appointment should be made within 30 days after enrollment in
46 the plan. For enrollees who become eligible for Medicaid between
47 January 1, 2014, and December 31, 2015, the appointment should
48 be scheduled within 6 months after enrollment in the plan.

49 (c) Report to the agency the number of enrollees assigned
50 to each primary care provider within the plan's network.

51 (d) Report to the agency the number of enrollees who have
52 not had an appointment with their primary care provider within
53 their first year of enrollment.

54 (e) Report to the agency the number of emergency room
55 visits by enrollees who have not had at least one appointment
56 with their primary care provider.

57 Section 2. Section 456.0625, Florida Statutes, is created
58 to read:

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59 456.0625 Direct primary care agreements.-

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

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

66 (b) "Primary care provider" means a health care
67 practitioner licensed under chapter 458, chapter 459, chapter
68 460, or chapter 464 or a primary care group practice that
69 provides medical services to patients which are commonly
70 provided without referral from another health care provider.

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

75 (2) A primary care provider or an agent of the primary care
76 provider may enter into a direct primary care agreement for
77 providing primary care services. Section 624.27 applies to a
78 direct primary care agreement.

79 (3) A direct primary care agreement must:

80 (a) Be in writing.

81 (b) Be signed by the primary care provider or an agent of
82 the primary care provider and the patient, the patient's legal
83 representative, or an employer.

84 (c) Allow a party to terminate the agreement by giving the
85 other party at least 30 days' advance written notice. The
86 agreement may provide for immediate termination due to a
87 violation of the physician-patient relationship or a breach of

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88 the terms of the agreement.

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

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

93 (f) Specify the duration of the agreement and any automatic
94 renewal provisions.

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

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

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

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

109 3. This agreement is not workers' compensation insurance
110 and may not replace the employer's obligations under chapter
111 440, Florida Statutes.

112 Section 3. Section 624.27, Florida Statutes, is created to
113 read:

114 624.27 Application of code as to direct primary care
115 agreements.-

116 (1) A direct primary care agreement, as defined in s.

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117 456.0625, does not constitute insurance and is not subject to
118 any chapter of the Florida Insurance Code. The act of entering
119 into a direct primary care agreement does not constitute the
120 business of insurance and is not subject to any chapter of the
121 Florida Insurance Code.

122 (2) A primary care provider or an agent of a primary care
123 provider is not required to obtain a certificate of authority or
124 license under any chapter of the Florida Insurance Code to
125 market, sell, or offer to sell a direct primary care agreement
126 pursuant to s. 456.0625.

127 Section 4. This act shall take effect July 1, 2017.