

By the Committee on Banking and Insurance; and Senator Bean

597-03200-19

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1 A bill to be entitled
2 An act relating to direct health care agreements;
3 amending s. 624.27, F.S.; expanding the scope of
4 direct primary care agreements that are exempt from
5 the Florida Insurance Code and renaming them direct
6 health care agreements; adding health care providers
7 who may market, sell, or offer to sell such
8 agreements; providing an effective date.

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

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12 Section 1. Section 624.27, Florida Statutes, is amended to
13 read:

14 624.27 Direct health ~~primary~~ care agreements; exemption
15 from code.—

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

17 (a) "Direct health ~~primary~~ care agreement" means a contract
18 between a health ~~primary~~ care provider and a patient, a
19 patient's legal representative, or a patient's employer, which
20 meets the requirements of subsection (4) and does not indemnify
21 for services provided by a third party.

22 (b) "Health ~~Primary~~ care provider" means a health care
23 provider licensed under chapter 458, chapter 459, chapter 460,
24 ~~or~~ chapter 464, or chapter 466, or a health ~~primary~~ care group
25 practice, who provides health ~~primary~~ care services to patients.

26 (c) "Health ~~Primary~~ care services" means the screening,
27 assessment, diagnosis, and treatment of a patient conducted
28 within the competency and training of the health ~~primary~~ care
29 provider for the purpose of promoting health or detecting and

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30 managing disease or injury.

31 (2) A direct health ~~primary~~ care agreement does not
32 constitute insurance and is not subject to the Florida Insurance
33 Code. The act of entering into a direct health ~~primary~~ care
34 agreement does not constitute the business of insurance and is
35 not subject to the Florida Insurance Code.

36 (3) A health ~~primary~~ care provider or an agent of a health
37 ~~primary~~ care provider is not required to obtain a certificate of
38 authority or license under the Florida Insurance Code to market,
39 sell, or offer to sell a direct health ~~primary~~ care agreement.

40 (4) For purposes of this section, a direct health ~~primary~~
41 care agreement must:

42 (a) Be in writing.

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

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

51 (d) Describe the scope of health ~~primary~~ care services that
52 are covered by the monthly fee.

53 (e) Specify the monthly fee and any fees for health ~~primary~~
54 care services not covered by the monthly fee.

55 (f) Specify the duration of the agreement and any automatic
56 renewal provisions.

57 (g) Offer a refund to the patient, the patient's legal
58 representative, or the patient's employer of monthly fees paid

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59 in advance if the health ~~primary~~ care provider ceases to offer
60 health ~~primary~~ care services for any reason.

61 (h) Contain, in contrasting color and in at least 12-point
62 type, the following statement on the signature page: "This
63 agreement is not health insurance and the health ~~primary~~ care
64 provider will not file any claims against the patient's health
65 insurance policy or plan for reimbursement of any health ~~primary~~
66 care services covered by the agreement. This agreement does not
67 qualify as minimum essential coverage to satisfy the individual
68 shared responsibility provision of the Patient Protection and
69 Affordable Care Act, 26 U.S.C. s. 5000A. This agreement is not
70 workers' compensation insurance and does not replace an
71 employer's obligations under chapter 440."

72 Section 2. This act shall take effect July 1, 2019.