Amendment No.

CHAMBER ACTION

<u>Senate</u>   <u>House</u>

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1 Representative Jenne offered the following:

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3   **Amendment to Amendment (515381) (with title amendment)**

4   Remove lines 47-81 of the amendment and insert:

5 other party at least <u>1 calendar month's</u> ~~30 days'~~ advance written

6 notice. <u>Termination of</u> the agreement <u>by the direct health care</u>

7 <u>provider must meet the conditions of paragraph (7)(b)</u> ~~provide~~

8 ~~for immediate termination due to a violation of the physician-~~

9 ~~patient relationship or a breach of the terms of the agreement~~.

10   (d) Describe the scope of <u>health</u> ~~primary~~ care services

11 that are covered by the monthly fee.

12   (e) Specify the monthly fee and any fees for <u>health</u>

13 ~~primary~~ care services not covered by the monthly fee.

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14   (f)   Specify the duration of the agreement and any

15 automatic renewal provisions.

16   (g)   Offer a refund to the patient, <u>or</u> the patient's legal

17 representative, ~~or the patient's employer~~ of monthly fees paid

18 in advance if the <u>health</u> ~~primary~~ care provider ceases to offer

19 <u>health</u> ~~primary~~ care services for any reason.

20   (h)   Contain, in contrasting color and in at least 12-point

21 type, the following statement on the signature page: "This

22 agreement is not health insurance and the <u>health</u> ~~primary~~ care

23 provider will not file any claims against the patient's health

24 insurance policy or plan for reimbursement of any <u>health</u> ~~primary~~

25 care services covered by the agreement. This agreement does not

26 qualify as minimum essential coverage to satisfy the individual

27 shared responsibility provision of the Patient Protection and

28 Affordable Care Act, 26 U.S.C. s. 5000A. This agreement is not

29 workers' compensation insurance and does not replace an

30 employer's obligations under chapter 440."

31   <u>(i)   Include recommendation that patients purchase</u>

32 <u>comprehensive health insurance and disclose that direct health</u>

33 <u>care payments do not qualify as health expenses to count against</u>

34 <u>an insurance deductible.</u>

35   <u>(5)   A direct health care written agreement must be</u>

36 <u>submitted to the Office of Insurance Regulation to review for</u>

37 <u>compliance with this section and may not be used until approved</u>

38 <u>by the office.</u>

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39   (6)   A direct health care written agreement may not be used
40 for services under Medicaid or Title XXI of the Social Security
41 Act.
42   (7)(a)   A direct health care practice may not decline to
43 accept a new direct health care patient solely because of the
44 patient's health status. However, a direct health care practice
45 may decline to accept a patient if the practice has reached its
46 maximum capacity or if the patient's medical condition is such
47 that the provider cannot provide the appropriate level and type
48 of health care services the patient requires.
49   (b)   A direct health care practice may not discontinue care
50 to existing patients solely because of the patient's health
51 status. However, if the direct health care practice provides the
52 patient notice as required under paragraph (4)(c), the direct
53 health care practice may discontinue care for a direct health
54 care patient if:
55   1.   The patient fails to pay the monthly fee;
56   2.   The patient has performed an act of fraud;
57   3.   The patient repeatedly fails to adhere to the
58 recommended treatment plan;
59   4.   The patient is abusive and presents an emotional or
60 physical danger to the staff or other patients of the practice;
61 or
62   5.   The direct health care practice discontinues operation
63 as a direct health care practice.

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66   **T I T L E   A M E N D M E N T**

67   Remove line 94 of the amendment and insert:

68   agreements; prohibiting a direct health care practice

69   from declining to accept new patients or from

70   discontinuing care to existing patients; providing

71   exceptions; providing an effective date.

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