

Amendment No.

CHAMBER ACTION

Senate

House

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Representative Jenne offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

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

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

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

(a) "Direct health ~~primary~~ care agreement" means a contract between a health ~~primary~~ care provider and an individual a patient or his or her, a patient's legal representative in which the health care provider agrees to

515381

Approved For Filing: 3/22/2019 3:56:16 PM

Amendment No.

14 provide health care services to the individual patient for an
15 agreed-upon fee and period of time. A direct health care
16 practice charges a periodic fee for services and does not bill
17 any third parties on a fee for service basis. Any per-visit
18 charge must be less than the monthly equivalent of the periodic
19 fee, or a patient's employer, which meets the requirements of
20 subsection (4) and does not indemnify for services provided by a
21 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
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

515381

Approved For Filing: 3/22/2019 3:56:16 PM

Amendment No.

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, or
45 the 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
52 that are covered by the monthly fee.

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

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

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

515381

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Amendment No.

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 (i) Include recommendation that patients purchase
73 comprehensive health insurance and disclose that direct health
74 care payments do not qualify as health expenses to count against
75 an insurance deductible.

76 (5) A direct health care written agreement must be
77 submitted to the Office of Insurance Regulation to review for
78 compliance with this section and may not be used until approved
79 by the office.

80 (6) A direct health care written agreement may not be used
81 for services under Medicaid or Title 21 health programs.

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

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

86 Remove everything before the enacting clause and insert:

87 A bill to be entitled

515381

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Amendment No.

88 | An act relating to direct health care agreements; amending s.
89 | 624.27, F.S.; expanding the scope of direct primary care
90 | agreements; providing definitions; deleting provisions relating
91 | to a patient's employer; revising requirements for the
92 | agreements; requiring the agreements to be submitted to the
93 | Office of Insurance Regulation; providing prohibited uses of the
94 | agreements; providing an effective date.
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515381

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