

HB 25A

2015A

1 A bill to be entitled

2 An act relating to direct primary care; creating s.
3 624.27, F.S.; providing definitions; specifying that a
4 direct primary care agreement does not constitute
5 insurance and is not subject to the Florida Insurance
6 Code, including chapter 636, F.S., relating to prepaid
7 limited health service organizations and discount
8 medical plan organizations; specifying that entering
9 into a direct primary care agreement does not
10 constitute the business of insurance and is not
11 subject to the code; providing that a certificate of
12 authority is not required to market, sell, or offer to
13 sell a direct primary care agreement; specifying
14 criteria for a direct primary care agreement;
15 providing for construction of the act in pari materia
16 with laws enacted during the 2015 Regular Session of
17 the Legislature; providing an effective date.

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

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21 Section 1. Section 624.27, Florida Statutes, is created to
22 read:

23 624.27 Application of code as to direct primary care
24 agreements.-

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

26 (a) "Direct primary care agreement" means a contract

27 between a primary care provider and a patient, the patient's
28 legal representative, or an employer, which meets the criteria
29 of subsection (4) and does not indemnify for services provided
30 by a third party.

31 (b) "Primary care provider" means a health care provider
32 licensed under chapter 458, chapter 459, or chapter 464, or a
33 primary care group practice, that provides medical services to
34 patients which are commonly provided without referral from
35 another health care provider.

36 (c) "Primary care service" means the screening,
37 assessment, diagnosis, and treatment of a patient for the
38 purpose of promoting health or detecting and managing disease or
39 injury within the competency and training of the primary care
40 provider.

41 (2) A direct primary care agreement does not constitute
42 insurance and is not subject to the Florida Insurance Code,
43 including chapter 636. The act of entering into a direct primary
44 care agreement does not constitute the business of insurance and
45 is not subject to the Florida Insurance Code, including chapter
46 636.

47 (3) A primary care provider or an agent of a primary care
48 provider is not required to obtain a certificate of authority or
49 license under the Florida Insurance Code, including chapter 636
50 to market, sell, or offer to sell a direct primary care
51 agreement.

52 (4) For purposes of this section, a direct primary care

53 agreement must:

54 (a) Be in writing.

55 (b) Be signed by the primary care provider or an agent of
56 the primary care provider and the patient, the patient's legal
57 representative, or an employer.

58 (c) Allow a party to terminate the agreement by written
59 notice to the other party after a period specified in the
60 agreement.

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

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

65 (f) Specify the duration of the agreement and any
66 automatic renewal provisions.

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

70 (h) State that the agreement is not health insurance and
71 that the primary care provider will not file any claims against
72 the patient's health insurance policy or plan for reimbursement
73 for any primary care services covered by the agreement.

74 (i) State that the agreement does not qualify as minimum
75 essential coverage to satisfy the individual shared
76 responsibility provision of the Patient Protection and
77 Affordable Care Act pursuant to 26 U.S.C. s. 5000A.

78 Section 2. If any law amended by this act was also amended

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79 by a law enacted during the 2015 Regular Session of the
80 Legislature, such laws shall be construed as if enacted during
81 the same session of the Legislature, and full effect shall be
82 given to each, if possible.

83 Section 3. This act shall take effect July 1, 2015.