

Senate Bill 50

By: Senators Hill of the 6th, Albers of the 56th, Hufstetler of the 52nd, Kirk of the 13th, Ginn of the 47th and others

AS PASSED SENATE

A BILL TO BE ENTITLED

AN ACT

1 To amend Chapter 7 of Title 33 of the Official Code of Georgia Annotated, relating to kinds
2 of insurance, limits of risks, and reinsurance, so as to provide definitions; to provide that
3 direct primary care agreements are not insurance; to exempt such agreements from regulation
4 as insurance; to provide for discontinuance of services under certain circumstances; to
5 provide a short title; to provide for related matters; to repeal conflicting laws; and for other
6 purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 This Act shall be known and may be cited as the "Direct Primary Care Act."

10 **SECTION 2.**

11 Chapter 7 of Title 33 of the Official Code of Georgia Annotated, relating to kinds of
12 insurance, limits of risks, and reinsurance, is amended by adding a new Code section to read
13 as follows:

14 "33-7-2.1.

15 (a) As used in this Code section, the term:

16 (1) 'Direct primary care agreement' means a contract between a physician and an
17 individual patient or his or her legal representative in which the physician or the
18 physician's medical practice agrees to provide health care services to the individual
19 patient for an agreed-upon fee and period of time.

20 (2) 'Direct primary care practice' means a physician or physician's medical practice that
21 charges a periodic fee for services, does not bill any third parties on a fee for service
22 basis, and whose per visit charge is less than the monthly equivalent of the periodic fee.

23 (3) 'Physician' means a person licensed to practice medicine pursuant to Article 2 of
24 Chapter 34 of Title 43.

25 (b) A direct primary care agreement is not insurance, shall not be deemed an insurance
 26 arrangement nor agreement, and is not subject to state insurance laws.

27 (c) A physician offering, marketing, selling, or entering into a direct primary care
 28 agreement shall not be required to obtain a certificate of authority or license other than to
 29 maintain a current license to practice medicine with the State of Georgia.

30 (d) To be considered a direct primary care agreement for the purposes of this Code section,
 31 such agreement shall:

32 (1) Be in writing;

33 (2) Be signed by a physician or agent of the physician and the individual patient or his
 34 or her legal representative;

35 (3) Allow either party to terminate such agreement upon written notice to the other party
 36 of no more than 30 days;

37 (4) Describe the scope of health care services that are covered by the periodic fee;

38 (5) Specify the periodic fee and any additional fees outside of the periodic fee for
 39 ongoing care;

40 (6) Specify the duration of such agreement and any automatic renewal periods and
 41 require that no more than 12 months of the periodic fee be paid in advance; and

42 (7) Prominently state in writing that such agreement is not health insurance.

43 (e) A physician providing health care services under a direct primary care agreement may
 44 decline to accept a patient if, in the physician's opinion, such patient's medical condition
 45 is such that the provider is unable to provide the appropriate level and type of health care
 46 services such patient requires. The physician may discontinue care for patients under the
 47 direct primary care agreement if:

48 (1) The patient fails to pay the periodic fee or any additional fees specified by the
 49 agreement;

50 (2) The patient has performed an act of fraud;

51 (3) The patient repeatedly fails to adhere to the recommended treatment plan;

52 (4) The patient is abusive and presents an emotional or physical danger to the staff or
 53 other patients of the direct primary care practice; or

54 (5) The physician or the physician's medical practice discontinues operation as a direct
 55 primary care practice."

56 **SECTION 3.**

57 All laws and parts of laws in conflict with this Act are repealed.