

1                                   A bill to be entitled  
 2           An act relating to direct primary care agreements;  
 3           creating s. 624.27, F.S.; providing definitions;  
 4           specifying that a direct primary care agreement does  
 5           not constitute insurance and is not subject to the  
 6           Florida Insurance Code; specifying that entering into  
 7           a direct primary care agreement does not constitute  
 8           the business of insurance and is not subject to the  
 9           code; providing that a certificate of authority is not  
 10          required to market, sell, or offer to sell a direct  
 11          primary care agreement; specifying requirements for a  
 12          direct primary care agreement; providing an effective  
 13          date.

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

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 17           Section 1.   Section 624.27, Florida Statutes, is created to  
 18   read:

19           624.27 Direct primary care agreements; exemption from  
 20   code.—

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

22           (a) "Direct primary care agreement" means a contract  
 23   between a primary care provider and a patient, the patient's  
 24   legal representative, or an employer, which meets the  
 25   requirements of subsection (4) and does not indemnify for

26 services provided by a third party.

27 (b) "Primary care provider" means a health care provider  
28 licensed under chapter 458, chapter 459, chapter 460, or chapter  
29 464, or a primary care group practice, that provides medical  
30 services to patients which are commonly provided without  
31 referral from another health care provider.

32 (c) "Primary care service" means the screening,  
33 assessment, diagnosis, and treatment of a patient conducted  
34 within the competency and training of the primary care provider  
35 for the purpose of promoting health or detecting and managing  
36 disease or injury.

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

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

48 (4) For purposes of this section, a direct primary care  
49 agreement must:

50 (a) Be in writing.

51 (b) Be signed by the primary care provider or an agent of  
52 the primary care provider and the patient, the patient's legal  
53 representative, or an employer.

54 (c) Allow a party to terminate the agreement by giving the  
55 other party at least 30 days' advance written notice. The  
56 agreement may provide for immediate termination due to a  
57 violation of the physician-patient relationship or a breach of  
58 the terms of the agreement.

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

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

63 (f) Specify the duration of the agreement and any  
64 automatic renewal provisions.

65 (g) Offer a refund to the patient, the patient's legal  
66 representative, or an employer of monthly fees paid in advance  
67 if the primary care provider ceases to offer primary care  
68 services for any reason.

69 (h) Contain, in contrasting color and in at least 12-point  
70 type, the following statements on the signature page:

71 1. This agreement is not health insurance and the primary  
72 care provider will not file any claims against the patient's  
73 health insurance policy or plan for reimbursement of any primary  
74 care services covered by the agreement.

75 2. This agreement does not qualify as minimum essential

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76 | coverage to satisfy the individual shared responsibility  
77 | provision of the Patient Protection and Affordable Care Act, 26  
78 | U.S.C. s. 5000A.

79 | 3. This agreement is not workers' compensation insurance  
80 | and does not replace an employer's obligations under chapter  
81 | 440.

82 | Section 2. This act shall take effect July 1, 2017.