

Senator Hill of the 32nd offered the following amendment:

1 *Amend HB883 by inserting after "To" on line 1 the following:*

2 amend Chapter 7 of Title 33 of the Official Code of Georgia Annotated, relating to kinds of
3 insurance, limits of risks, and reinsurance, so as to provide definitions; to provide that
4 physician agreements are not insurance; to exempt such agreements from regulation as
5 insurance; to provide for discontinuance of services under certain circumstances; to

6 *By inserting after "BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:"*
7 *the following:*

8 **SECTION .5.**

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

12 "33-7-2.1.

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

14 (1) 'Physician' means a person licensed to practice medicine pursuant to Article 2 of
15 Chapter 34 of Title 43.

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

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

23 (b) A physician agreement is not insurance, shall not be deemed an insurance arrangement
24 nor agreement, and is not subject to state insurance laws so long as the direct financial
25 relationship with a patient does not exceed a fee of \$6,000.00, adjusted annually by the rate
26 of change in the Consumer Price Index as reported by the Bureau of Labor Statistics of the
27 United States Department of Labor.

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

31 (d) To be considered a physician agreement for the purposes of this Code section, such
32 agreement shall:

- 33 (1) Be in writing;
- 34 (2) Be signed by a physician or agent of the physician and the individual patient or his
- 35 or her legal representative;
- 36 (3) Allow either party to terminate such agreement upon written notice to the other party
- 37 of no more than 30 days;
- 38 (4) Describe the scope of health care services that are covered by the periodic fee;
- 39 (5) Specify the periodic fee and any additional fees outside of the periodic fee for
- 40 ongoing care;
- 41 (6) Specify the duration of such agreement and any automatic renewal periods and
- 42 require that no more than 12 months of the periodic fee be paid in advance; and
- 43 (7) Prominently state in writing that such agreement is not health insurance.
- 44 (e) A physician providing health care services under a physician agreement may decline
- 45 to accept a patient if, in the physician's opinion, such patient's medical condition is such
- 46 that the provider is unable to provide the appropriate level and type of health care services
- 47 such patient requires. The physician may discontinue care for patients under the physician
- 48 agreement if:
- 49 (1) The patient fails to pay the periodic fee;
- 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 practice; or
- 54 (5) The physician or the physician's medical practice discontinues operation as a
- 55 physician practice."