HOUSE BILL NO. 2340

101ST GENERAL ASSEMBLY

5015H.02C

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 376.1800, RSMo, and to enact in lieu thereof one new section relating to medical retainer agreements.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 376.1800, RSMo, is repealed and one new section enacted in lieu
2   thereof, to be known as section 376.1800, to read as follows:

376.1800. 1. As used in this section, the following terms shall mean:

2   (1) **"Dentist", a dentist licensed under chapter 332. The term "dentist" includes**
3   **an individual dentist or a group of dentists;**

4   **(2)** "Medical retainer agreement", a contract between a physician **or a dentist** and an
5   individual patient or such individual patient's legal representative in which the physician **or**
6   **dentist** agrees to provide certain health care services described in the agreement to the
7   individual patient for an agreed-upon fee and period of time;

8   **[(2)] (3)** "Physician", a physician licensed under chapter **331 or** 334. Physician
9   includes an individual physician or a group of physicians.

10   2. A medical retainer agreement is not insurance and is not subject to this chapter.
11 Entering into a medical retainer agreement is not the business of insurance and is not subject
12 to this chapter.

13   3. A physician**, a dentist,** or **an** agent of a physician **or dentist** is not required to
14 obtain a certificate of authority or license under this section to market, sell, or offer to sell a
15 medical retainer agreement.

16   4. To be considered a medical retainer agreement for the purposes of this section, the
17 agreement shall meet all of the following requirements:

18   (1) Be in writing;

EXPLANATION — Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

19   (2) Be signed by the physician**, the dentist,** or **the** agent of the physician **or dentist**
20   and the individual patient or such individual patient's legal representative;
21   (3) Allow either party to terminate the agreement on written notice to the other party;
22   (4) Describe the specific health care services that are included in the agreement;
23   (5) Specify the fee for the agreement;
24   (6) Specify the period of time under the agreement; and
25   (7) Prominently state in writing that the agreement is not health insurance.
26   5. (1) For any patient who enters into a medical retainer agreement under this section
27   and who has established a health savings account (HSA) in compliance with 26 U.S.C.
28   Section 223, or who has a flexible spending arrangement (FSA) or health reimbursement
29   arrangement (HRA), fees under the patient's medical retainer agreement may be paid from
30   such health savings account or reimbursed through such flexible spending arrangement or
31   health reimbursement arrangement, subject to any federal or state laws regarding qualified
32   expenditures from a health savings account, or reimbursement through a flexible spending
33   arrangement or a health reimbursement arrangement.
34   (2) The employer of any patient described in subdivision (1) of this subsection may:
35   (a) Make contributions to such patient's health savings account, flexible spending
36   arrangement, or health reimbursement arrangement to cover all or any portion of the agreed-
37   upon fees under the patient's medical retainer agreement, subject to any federal or state
38   restrictions on contributions made by an employer to a health savings account, or
39   reimbursement through a flexible spending arrangement, or health reimbursement
40   arrangement; or
41   (b) Pay the agreed-upon fees directly to the physician **or dentist** under the medical
42   retainer agreement.
43   6. Nothing in this section shall be construed as prohibiting, limiting, or otherwise
44   restricting a physician in a collaborative practice arrangement from entering into a medical
45   retainer agreement under this section.

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