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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 medical plan organizations; specifying that entering 8 9 into a direct primary care agreement does not 10 constitute the business of insurance and is not subject to the code; providing that a certificate of 11 12 authority is not required to market, sell, or offer to sell a direct primary care agreement; specifying 13 14 criteria for a direct primary care agreement; 15 providing an effective date. 16 17 Be It Enacted by the Legislature of the State of Florida: 18 19 Section 1. Section 624.27, Florida Statutes, is created to 20 read: 21 624.27 Application of code as to direct primary care 22 agreements.-23 (1)As used in this section, the term: 24 "Direct primary care agreement" means a contract 25 between a primary care provider and a patient, the patient's

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legal representative, or an employer, which meets the criteria

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of subsection (4) and does not indemnify for services provided by a third party.

- (b) "Primary care provider" means a health care provider licensed under chapter 458, chapter 459, or chapter 464, or a primary care group practice, that provides medical services to patients which are commonly provided without referral from another health care provider.
- (c) "Primary care service" means the screening,
 assessment, diagnosis, and treatment of a patient for the
 purpose of promoting health or detecting and managing disease or
 injury within the competency and training of the primary care
 provider.
- (2) A direct primary care agreement does not constitute insurance and is not subject to the Florida Insurance Code, including chapter 636. The act of entering into a direct primary care agreement does not constitute the business of insurance and is not subject to the Florida Insurance Code, including chapter 636.
- (3) A primary care provider or an agent of a primary care provider is not required to obtain a certificate of authority or license under the Florida Insurance Code, including chapter 636, to market, sell, or offer to sell a direct primary care agreement.
- (4) For purposes of this section, a direct primary care agreement must:
 - (a) Be in writing.

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

- (c) Allow a party to terminate the agreement by written notice to the other party after a period specified in the agreement.
- (d) Describe the scope of primary care services that are covered by the monthly fee.
- (e) Specify the monthly fee and any fees for primary care services not covered by the monthly fee.
- (f) Specify the duration of the agreement and any automatic renewal provisions.
- (g) Offer a refund to the patient of monthly fees paid in advance if the primary care provider ceases to offer primary care services for any reason.
- (h) State that the agreement is not health insurance and that the primary care provider will not file any claims against the patient's health insurance policy or plan for reimbursement for any primary care services covered by the agreement.
- (i) State that the agreement does not qualify as minimum essential coverage to satisfy the individual shared responsibility provision of the Patient Protection and Affordable Care Act pursuant to 26 U.S.C. s. 5000A.
 - Section 2. This act shall take effect July 1, 2016.