

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.

14  
 15   Be It Enacted by the Legislature of the State of Florida:

16  
 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, a patient's legal  
 24                 representative, or a patient's 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, who provides primary care  
30 services to patients.

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

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

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

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

47 (a) Be in writing.

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

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

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

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

60 (f) Specify the duration of the agreement and any  
61 automatic renewal provisions.

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

66 (h) Contain, in contrasting color and in at least 12-point  
67 type, the following statement on the signature page: "This  
68 agreement is not health insurance and the primary care provider  
69 will not file any claims against the patient's health insurance  
70 policy or plan for reimbursement of any primary care services  
71 covered by the agreement. This agreement does not qualify as  
72 minimum essential coverage to satisfy the individual shared  
73 responsibility provision of the Patient Protection and  
74 Affordable Care Act, 26 U.S.C. s. 5000A. This agreement is not  
75 workers' compensation insurance and does not replace an

HB 37

2018

76 | employer's obligations under chapter 440."

77 |       Section 2. This act shall take effect July 1, 2018.