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HB 37

2018 Legislature

1
 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:

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

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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.

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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

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76 | employer's obligations under chapter 440."

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