

Senate Bill 50

By: Senators Hill of the 6th, Albers of the 56th, Hufstetler of the 52nd, Kirk of the 13th, Ginn of the 47th and others

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 7 of Title 33 of the Official Code of Georgia Annotated, relating to kinds of insurance, limits of risks, and reinsurance, so as to provide definitions; to provide that direct primary care agreements are not insurance; to exempt such agreements from regulation as insurance; to provide for discontinuance of services under certain circumstances; to provide a short title; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

This Act shall be known and may be cited as the "Direct Primary Care Act."

SECTION 2.

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

"33-7-2.1.

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

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

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

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

(b) A direct primary care agreement is not insurance, shall not be deemed an insurance arrangement nor agreement, and is not subject to state insurance laws.

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

(d) To be considered a direct primary care agreement for the purposes of this Code section, such agreement shall:

(1) Be in writing;

(2) Be signed by a physician or agent of the physician and the individual patient or his or her legal representative;

(3) Allow either party to terminate such agreement upon written notice to the other party of no more than 30 days;

(4) Describe the scope of health care services that are covered by the periodic fee;

(5) Specify the periodic fee and any additional fees outside of the periodic fee for ongoing care;

(6) Specify the duration of such agreement and any automatic renewal periods and require that no more than 12 months of the periodic fee be paid in advance; and

(7) Prominently state in writing that such agreement is not health insurance.

(e) A physician providing health care services under a direct primary care agreement may decline to accept a patient if, in the physician's opinion, such patient's medical condition is such that the provider is unable to provide the appropriate level and type of health care services such patient requires. The physician may discontinue care for patients under the direct primary care agreement if:

(1) The patient fails to pay the periodic fee;

(2) The patient has performed an act of fraud;

(3) The patient repeatedly fails to adhere to the recommended treatment plan;

(4) The patient is abusive and presents an emotional or physical danger to the staff or other patients of the direct primary care practice; or

(5) The physician or the physician's medical practice discontinues operation as a direct primary care practice."

SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.