

1 AN ACT relating to health care providers.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 311 IS CREATED TO
4 READ AS FOLLOWS:

5 *As used in this section and Section 2 of this Act:*

- 6 *(1) "Direct primary care membership agreement" means a written contractual*
7 *agreement between a primary care provider and an individual patient or his or*
8 *her legal representative that:*
- 9 *(a) Is for an agreed-upon fee over an agreed-upon period of time;*
- 10 *(b) Describes the primary care services to be provided in exchange for the*
11 *agreed-upon fee;*
- 12 *(c) States that the primary care provider shall not bill a health benefit plan or*
13 *the Medicaid program on a fee-for-service basis for the primary care*
14 *services provided under the agreement;*
- 15 *(d) Specifies automatic agreement renewal periods;*
- 16 *(e) Specifies any additional fees that may be charged for primary care services*
17 *that are not included in the agreement;*
- 18 *(f) States that the patient is not required to pay more than twelve (12) months*
19 *of the agreed-upon fee in advance;*
- 20 *(g) States that the agreed-upon fee and any additional fees may be paid by a*
21 *third party;*
- 22 *(h) Allows either party to terminate the agreement in writing, without penalty*
23 *or payment of a termination fee, after notice;*
- 24 *(i) Provides that, upon termination of the agreement by the patient or his or*
25 *her legal representative, all unearned fees are to be returned to the patient,*
26 *his or her legal representative, or any third-party payor; and*
- 27 *(j) Contains a conspicuous and prominent statement that the agreement does*

1 not constitute a health benefit plan and does not meet any individual health
2 benefit plan mandate that may be required by federal law;

3 (2) "Primary care provider" means a health care provider as defined in KRS
4 304.17A-005 who chooses to enter into a direct primary care membership
5 agreement;

6 (3) "Health benefit plan" has the same meaning as in KRS 304.17A-005; and

7 (4) "Primary care service" means the screening, assessment, diagnosis, and
8 treatment for the purpose of promotion of health or the detection and
9 management of disease or injury within the competency and training of the
10 primary care provider.

11 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 311 IS CREATED TO
12 READ AS FOLLOWS:

13 (1) Receiving primary care services under a direct primary care membership
14 agreement shall not require a patient or his or her legal representative to forfeit
15 coverage under a health benefit plan or the Medicaid program.

16 (2) The offer or provision of primary care services under a direct primary care
17 membership agreement shall not be deemed an offer or provision of coverage
18 under a health benefit plan and shall not be regulated under KRS Chapter 304.

19 (3) A primary care provider or an agent of a primary care provider shall not be
20 required to obtain a license to market, sell, or offer to sell a direct primary care
21 membership agreement.