

Senate Bill 18

By: Senators Kirkpatrick of the 32nd, Jones of the 25th, Watson of the 1st, Burke of the 11th, Harbison of the 15th and others

**AS PASSED SENATE**

**A BILL TO BE ENTITLED  
AN ACT**

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

7 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

8 **SECTION 1.**

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

10 **SECTION 2.**

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

14 "33-7-2.1.

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

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

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

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

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

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

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

32 (1) Be in writing;

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

35 (3) Allow either party to terminate such agreement upon written notice; provided,  
36 however, that a physician shall be required to give a patient adequate notice of at least 30  
37 days to allow a patient a reasonable amount of time to find another health care provider,  
38 and a patient shall be required to give a physician notice of no more than 30 days;

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

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

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

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

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

50 (1) The patient fails to pay the periodic fee or any additional fees specified by the  
51 agreement;

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

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

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

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

58 (f) In the event that either party terminates an agreement pursuant to this Code section, any  
59 unearned portion of any fees paid pursuant to such agreement shall be refunded by the  
60 physician to the patient within 30 days of termination."

61

**SECTION 3.**

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