

SB 176 - AS INTRODUCED

2015 SESSION

15-0901
01/03

SENATE BILL **176**

AN ACT relative to the definition of “direct primary care.”

SPONSORS: Sen. Stiles, Dist 24; Rep. Nigrello, Rock 16; Rep. Abrami, Rock 19; Rep. MacKay,
Merr 14; Rep. Lachance, Hills 8

COMMITTEE: Commerce

ANALYSIS

This bill declares that primary care providers providing direct primary care pursuant to a primary care agreement are not subject to the insurance laws, provided that certain conditions are met.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears [~~in brackets and struck through.~~]
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Fifteen

AN ACT relative to the definition of “direct primary care.”

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 New Section; Direct Primary Care. Amend RSA 415 by inserting after section 25 the following
2 new section:

3 415:26 Direct Primary Care.

4 I. Direct primary care resulting from a primary care provider entering a primary care
5 agreement is not insurance and the primary care provider shall not be subject to the requirements of
6 this chapter when the following conditions are met:

7 (a) Services provided include screening, assessment, diagnosis, and treatment for the
8 purpose of promotion of health or the detection and management of disease or injury within the
9 competency and training of the primary care provider.

10 (b) The contract between a primary care provider, or agent, and an individual patient or
11 his or her legal representative may be terminated within 90 days and does not conflict with an
12 existing contract the primary care provider has with an insurance company covering the individual
13 patient.

14 (c) The primary care provider, or agent, is not required to obtain a license as an insurer,
15 third party administrator, or insurance agent or broker.

16 (d) The agreement is in writing and signed by the primary care provider, or agent, and
17 the individual patient or his or her legal representative.

18 (e) The agreement describes the duration of the agreement with any automatic renewal
19 periods, scope of primary care services that are covered by the periodic fee, any specific exclusions,
20 and the additional fees for services not covered by the periodic fee.

21 (f) Funds are not earned by the primary care provider until the month of ongoing care is
22 completed, and upon agreement termination, all unearned payments are returned to the patient.

23 (g) The agreement prominently states that the agreement is not health insurance.

24 (h) The primary care provider accepts patients regardless of who the patient may have
25 insurance with, including government programs such as Medicare and Medicaid.

26 II. The direct primary care practice may decline to accept a patient if the practice has
27 reached a maximum capacity or a patient’s medical condition is such that the provider is unable to
28 provide the appropriate level and type of primary care services.

29 III. The direct primary care practice may discontinue care for a patient if any of the
30 following takes place:

31 (a) The patient fails to pay the periodic fee.

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1 (b) The patient has performed an act of fraud.

2 (c) The patient repeatedly fails to adhere to the recommended treatment plan.

3 (d) The patient is abusive and presents an emotional or physical danger to the staff or
4 other patients of the direct practice.

5 (e) The primary care provider discontinues operation as a direct primary care practice.

6 2 New Section; Direct Primary Care. Amend RSA 420-J by inserting after section 2 the
7 following new section:

8 420-J:2-a Direct Primary Care.

9 I. Direct primary care resulting from a primary care provider entering a primary care
10 agreement is not insurance and the primary care provider shall not be subject to the requirements of
11 this chapter when the following conditions are met:

12 (a) Services provided include screening, assessment, diagnosis, and treatment for the
13 purpose of promotion of health or the detection and management of disease or injury within the
14 competency and training of the primary care provider.

15 (b) The contract between a primary care provider, or agent, and an individual patient or
16 his or her legal representative may be terminated within 90 days and does not conflict with an
17 existing contract the primary care provider has with an insurance company covering the individual
18 patient.

19 (c) The primary care provider, or agent, is not required to obtain a license as an insurer,
20 third party administrator, or insurance agent or broker.

21 (d) The agreement is in writing and signed by the primary care provider, or agent, and
22 the individual patient or his or her legal representative.

23 (e) The agreement describes the duration of the agreement with any automatic renewal
24 periods, scope of primary care services that are covered by the periodic fee, any specific exclusions,
25 and the additional fees for services not covered by the periodic fee.

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27 completed, and upon agreement termination, all unearned payments are returned to the patient.

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32 reached a maximum capacity or a patient's medical condition is such that the provider is unable to
33 provide the appropriate level and type of primary care services.

34 III. The direct primary care practice may discontinue care for a patient if any of the
35 following takes place:

36 (a) The patient fails to pay the periodic fee.

37 (b) The patient has performed an act of fraud.

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- 1 (c) The patient repeatedly fails to adhere to the recommended treatment plan.
- 2 (d) The patient is abusive and presents an emotional or physical danger to the staff or
- 3 other patients of the direct practice.
- 4 (e) The primary care provider discontinues operation as a direct primary care practice.
- 5 3 Effective Date. This act shall take effect 60 days after its passage.