

1-1 By: Bonnen of Galveston, et al. H.B. No. 1945
 1-2 (Senate Sponsor - Hancock)
 1-3 (In the Senate - Received from the House April 16, 2015;
 1-4 April 23, 2015, read first time and referred to Committee on Health
 1-5 and Human Services; May 6, 2015, reported favorably by the
 1-6 following vote: Yeas 9, Nays 0; May 6, 2015, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 A BILL TO BE ENTITLED
 1-19 AN ACT

1-20 relating to the provision of direct primary care.
 1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
 1-22 SECTION 1. Chapter 162, Occupations Code, is amended by
 1-23 adding Subchapter F to read as follows:
 1-24 SUBCHAPTER F. DIRECT PRIMARY CARE
 1-25 Sec. 162.251. DEFINITIONS. In this subchapter:
 1-26 (1) "Direct fee" means a fee charged by a physician to
 1-27 a patient or a patient's designee for primary medical care services
 1-28 provided by, or to be provided by, the physician to the patient.
 1-29 The term includes a fee in any form, including a:
 1-30 (A) monthly retainer;
 1-31 (B) membership fee;
 1-32 (C) subscription fee;
 1-33 (D) fee paid under a medical service agreement;
 1-34 or
 1-35 (E) fee for a service, visit, or episode of care.
 1-36 (2) "Direct primary care" means a primary medical care
 1-37 service provided by a physician to a patient in return for payment
 1-38 in accordance with a direct fee.
 1-39 (3) "Medical service agreement" means a signed written
 1-40 agreement under which a physician agrees to provide direct primary
 1-41 care services for a patient in exchange for a direct fee for a
 1-42 period of time that is entered into by the physician and:
 1-43 (A) the patient;
 1-44 (B) the patient's legal representative,
 1-45 guardian, or employer on behalf of the patient; or
 1-46 (C) the patient's legal representative's or
 1-47 guardian's employer on behalf of the patient.
 1-48 (4) "Physician" includes a professional association
 1-49 or professional limited liability company owned entirely by an
 1-50 individual licensed under this subtitle.
 1-51 (5) "Primary medical care service" means a routine or
 1-52 general health care service of the type provided at the time a
 1-53 patient seeks preventive care or first seeks health care services
 1-54 for a specific health concern, is a patient's main source for
 1-55 regular health care services, and includes:
 1-56 (A) promoting and maintaining mental and
 1-57 physical health and wellness;
 1-58 (B) preventing disease;
 1-59 (C) screening, diagnosing, and treating acute or
 1-60 chronic conditions caused by disease, injury, or illness;
 1-61 (D) providing patient counseling and education;

2-1 and
2-2 (E) providing a broad spectrum of preventive and
2-3 curative health care over a period of time.

2-4 Sec. 162.252. APPLICABILITY OF SUBCHAPTER. This subchapter
2-5 does not apply to workers' compensation insurance coverage as
2-6 defined by Section 401.011, Labor Code.

2-7 Sec. 162.253. DIRECT PRIMARY CARE NOT INSURANCE. (a) A
2-8 physician providing direct primary care is not an insurer or health
2-9 maintenance organization, and the physician is not subject to
2-10 regulation by the Texas Department of Insurance for the direct
2-11 primary care.

2-12 (b) A medical service agreement is not health or accident
2-13 insurance or coverage under Title 8, Insurance Code, and is not
2-14 subject to regulation by the Texas Department of Insurance.

2-15 (c) A physician is not required to obtain a certificate of
2-16 authority under the Insurance Code to market, sell, or offer a
2-17 medical service agreement or provide direct primary care.

2-18 (d) A physician providing direct primary care does not
2-19 violate Section 1204.055, Insurance Code.

2-20 Sec. 162.254. BILLING INSURER OR HEALTH MAINTENANCE
2-21 ORGANIZATION PROHIBITED. A physician may not bill an insurer or
2-22 health maintenance organization for direct primary care that is
2-23 paid under a medical service agreement.

2-24 Sec. 162.255. INTERFERENCE PROHIBITED. (a) The board or
2-25 another state agency may not prohibit, interfere with, initiate a
2-26 legal or administrative proceeding against, or impose a fine or
2-27 penalty against:

2-28 (1) a physician solely because the physician provides
2-29 direct primary care; or

2-30 (2) a person solely because the person pays a direct
2-31 fee for direct primary care.

2-32 (b) A health insurer, health maintenance organization, or
2-33 health care provider as that term is defined by Section 105.001 may
2-34 not prohibit, interfere with, or initiate a legal proceeding
2-35 against:

2-36 (1) a physician solely because the physician provides
2-37 direct primary care; or

2-38 (2) a person solely because the person pays a direct
2-39 fee for direct primary care.

2-40 SECTION 2. This Act takes effect immediately if it receives
2-41 a vote of two-thirds of all the members elected to each house, as
2-42 provided by Section 39, Article III, Texas Constitution. If this
2-43 Act does not receive the vote necessary for immediate effect, this
2-44 Act takes effect September 1, 2015.

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