

IN THE SENATE

SENATE BILL NO. 1243

BY COMMERCE AND HUMAN RESOURCES COMMITTEE

AN ACT

RELATING TO HEALTH CARE; AMENDING CHAPTER 90, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-9005, IDAHO CODE, TO DEFINE TERMS, TO PROVIDE FOR THE REQUIREMENTS OF A MEDICAL RETAINER AGREEMENT AND TO PROVIDE THAT MEDICAL RETAINER AGREEMENTS SHALL NOT BE REGULATED AS HEALTH INSURANCE; AND AMENDING CHAPTER 42, TITLE 41, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 41-4208, IDAHO CODE, TO PROVIDE THAT MEDICAL RETAINER AGREEMENTS SHALL NOT BE SUBJECT TO REGULATION AS HEALTH INSURANCE.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Chapter 90, Title 39, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 39-9005, Idaho Code, and to read as follows:

39-9005. MEDICAL RETAINER AGREEMENTS. (1) For purposes of this section, the following definitions shall apply:

(a) "Medical provider" means a natural person or professional corporation, alone or with others professionally associated with the natural person or professional corporation, who enters into a medical retainer agreement.

(b) "Medical retainer agreement" means a written contract between a medical provider and an individual patient or a patient's representative in which the medical provider agrees to provide routine health care services to the individual patient for an agreed upon fee and period of time, and either party to the contract may terminate the agreement upon written notice to the other party. A laboratory described in paragraph

(c) (iii) 2. of this subsection may not enter into a medical retainer agreement.

(c) "Routine health care services" include, but are not limited to, such services as:

(i) Screening, assessment, diagnosis and treatment for the purpose of promotion of health and detection and management of disease or injury;

(ii) Supplies and prescription drugs that are dispensed in a medical provider's office; and

(iii) Laboratory work, such as routine blood screening or routine pathology screening performed by a laboratory that:

1. Is associated with the medical provider entering into the medical retainer agreement; or

2. If not associated with the medical provider, has entered into an agreement with the medical provider to provide the laboratory work without charging a fee to the patient for the laboratory work.

(2) A medical retainer agreement shall do the following:

1 (a) Describe the specific routine health care services that are in-  
2 cluded in the contract;

3 (b) Prominently state in writing that the retainer agreement is not  
4 health insurance; and

5 (c) Prohibit the health care provider, but not the patient, from  
6 billing an insurer for the services provided under the medical retainer  
7 agreement.

8 (3) Medical retainer agreements shall not be subject to regulation as  
9 health insurance or otherwise under title 41, Idaho Code.

10 SECTION 2. That Chapter 42, Title 41, Idaho Code, be, and the same is  
11 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
12 ignated as Section 41-4208, Idaho Code, and to read as follows:

13 41-4208. MEDICAL RETAINER AGREEMENTS. Medical retainer agreements,  
14 as provided for in section 39-9005, Idaho Code, shall not be subject to regu-  
15 lation as health insurance or otherwise under title 41, Idaho Code.