

117TH CONGRESS
1ST SESSION

H. R. 3436

To amend title XXVII of the Public Health Service Act to exempt certain direct primary care arrangements from regulation as health insurance coverage.

IN THE HOUSE OF REPRESENTATIVES

MAY 20, 2021

Mr. ROSENDALE introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend title XXVII of the Public Health Service Act to exempt certain direct primary care arrangements from regulation as health insurance coverage.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Direct Primary Care
5 Accessibility Act of 2021”.

1 **SEC. 2. EXEMPTING CERTAIN DIRECT PRIMARY CARE AR-**
 2 **RANGEMENTS FROM REGULATION AS**
 3 **HEALTH INSURANCE COVERAGE.**

4 Section 2791(b) of the Public Health Service Act (42
 5 U.S.C. 300gg–91(b)) is amended—

6 (1) in paragraph (1), by inserting “, except that
 7 such term shall not include a direct primary care ar-
 8 rangement (as defined in paragraph (6))” before the
 9 period; and

10 (2) by adding at the end the following new
 11 paragraph:

12 “(6) DIRECT PRIMARY CARE ARRANGEMENT.—

13 “(A) IN GENERAL.—Except as provided in
 14 subparagraph (B), the term ‘direct primary
 15 care arrangement’ means an arrangement
 16 under which an item or service is furnished by
 17 a health care provider to an individual in return
 18 for a direct fee. Such a fee may include—

19 “(i) a monthly retainer;

20 “(ii) a membership fee;

21 “(iii) a subscription fee; or

22 “(iv) a fee for a service, visit, or epi-
 23 sode of care.

24 “(B) EXCEPTION.—The term ‘direct pri-
 25 mary care arrangement’ shall not include any
 26 arrangement unless—

1 “(i) a copy of such arrangement is
2 provided to the individual entering into
3 such agreement (or the legal representative
4 of such individual); and

5 “(ii) such agreement—

6 “(I) is in writing;

7 “(II) describes the items and
8 services to be provided in exchange for
9 payment of a direct fee (as described
10 in subparagraph (A));

11 “(III) specifies the direct fee re-
12 quired and any additional fees to be
13 paid by a third party;

14 “(IV) specifies the individual’s
15 payment obligation; and

16 “(V) prohibits the provider from
17 charging or receiving additional com-
18 pensation for items and services in-
19 cluded in the direct fee.”.

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