

By: Bonnen of Galveston

H.B. No. 1945

Substitute the following for H.B. No. 1945:

By: Crownover

C.S.H.B. No. 1945

A BILL TO BE ENTITLED

AN ACT

relating to the provision of direct primary care.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 162, Occupations Code, is amended by adding Subchapter F to read as follows:

SUBCHAPTER F. DIRECT PRIMARY CARE

Sec. 162.251. DEFINITIONS. In this subchapter:

(1) "Direct fee" means a fee charged by a physician to a patient or a patient's designee for primary medical care services provided by, or to be provided by, the physician to the patient.

The term includes a fee in any form, including a:

(A) monthly retainer;

(B) membership fee;

(C) subscription fee;

(D) fee paid under a medical service agreement;

or

(E) fee for a service, visit, or episode of care.

(2) "Direct primary care" means a primary medical care service provided by a physician to a patient in return for payment in accordance with a direct fee.

(3) "Medical service agreement" means a signed written agreement under which a physician agrees to provide direct primary care services for a patient in exchange for a direct fee for a period of time that is entered into by the physician and:

1                   (A) the patient;

2                   (B) the patient's legal representative,  
3 guardian, or employer on behalf of the patient; or

4                   (C) the patient's legal representative's or  
5 guardian's employer on behalf of the patient.

6                   (4) "Physician" includes a professional association  
7 or professional limited liability company owned entirely by an  
8 individual licensed under this subtitle.

9                   (5) "Primary medical care service" means a routine or  
10 general health care service of the type provided at the time a  
11 patient seeks preventive care or first seeks health care services  
12 for a specific health concern, is a patient's main source for  
13 regular health care services, and includes:

14                   (A) promoting and maintaining mental and  
15 physical health and wellness;

16                   (B) preventing disease;

17                   (C) screening, diagnosing, and treating acute or  
18 chronic conditions caused by disease, injury, or illness;

19                   (D) providing patient counseling and education;  
20 and

21                   (E) providing a broad spectrum of preventive and  
22 curative health care over a period of time.

23                   Sec. 162.252. APPLICABILITY OF SUBCHAPTER. This subchapter  
24 does not apply to workers' compensation insurance coverage as  
25 defined by Section [401.011](#), Labor Code.

26                   Sec. 162.253. DIRECT PRIMARY CARE NOT INSURANCE. (a) A  
27 physician providing direct primary care is not an insurer or health

1 maintenance organization, and the physician is not subject to  
2 regulation by the Texas Department of Insurance for the direct  
3 primary care.

4 (b) A medical service agreement is not health or accident  
5 insurance or coverage under Title 8, Insurance Code, and is not  
6 subject to regulation by the Texas Department of Insurance.

7 (c) A physician is not required to obtain a certificate of  
8 authority under the Insurance Code to market, sell, or offer a  
9 medical service agreement or provide direct primary care.

10 (d) A physician providing direct primary care does not  
11 violate Section [1204.055](#), Insurance Code.

12 Sec. 162.254. BILLING INSURER OR HEALTH MAINTENANCE  
13 ORGANIZATION PROHIBITED. A physician may not bill an insurer or  
14 health maintenance organization for direct primary care that is  
15 paid under a medical service agreement.

16 Sec. 162.255. INTERFERENCE PROHIBITED. (a) The board or  
17 another state agency may not prohibit, interfere with, initiate a  
18 legal or administrative proceeding against, or impose a fine or  
19 penalty against:

20 (1) a physician solely because the physician provides  
21 direct primary care; or

22 (2) a person solely because the person pays a direct  
23 fee for direct primary care.

24 (b) A health insurer, health maintenance organization, or  
25 health care provider as that term is defined by Section [105.001](#) may  
26 not prohibit, interfere with, or initiate a legal proceeding  
27 against:

- 1           (1) a physician solely because the physician provides  
2 direct primary care; or  
3           (2) a person solely because the person pays a direct  
4 fee for direct primary care.

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