

FIRST REGULAR SESSION

SENATE BILL NO. 478

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR ONDER.

Read 1st time February 23, 2015, and ordered printed.

ADRIANE D. CROUSE, Secretary.

2204S.03I

AN ACT

To amend chapter 376, RSMo, by adding thereto one new section relating to direct health care services.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 376, RSMo, is amended by adding thereto one new section, to be known as section 376.1800, to read as follows:

376.1800. 1. As used in this section, the following terms shall mean:

(1) "Medical retainer agreement", a contract between a physician and an individual patient or such individual patient's legal representative in which the physician agrees to provide certain health care services described in the agreement to the individual patient for an agreed-upon fee and period of time;

(2) "Physician", a physician licensed under chapter 334. Physician includes an individual physician or a group of physicians.

2. A medical retainer agreement is not insurance and is not subject to this chapter. Entering into a medical retainer agreement is not the business of insurance and is not subject to this chapter.

3. A physician or agent of a physician is not required to obtain a certificate of authority or license under this section to market, sell, or offer to sell a medical retainer agreement.

4. To be considered a medical retainer agreement for the purposes of this section, the agreement shall meet all of the following requirements:

(1) Be in writing;

(2) Be signed by the physician or agent of the physician and the

22 individual patient or such individual patient's legal representative;

23 (3) Allow either party to terminate the agreement on written
24 notice to the other party;

25 (4) Describe the specific health care services that are included
26 in the agreement;

27 (5) Specify the fee for the agreement;

28 (6) Specify the period of time under the agreement;

29 (7) Prominently state in writing that the agreement is not health
30 insurance; and

31 (8) Prohibit the physician, but not the patient, from billing an
32 insurer or other third-party payer for the services provided under the
33 agreement.

34 5. (1) For any patient who has established a medical savings
35 account in compliance with 26 U.S.C. Section 223 and who enters into
36 a medical retainer agreement under this section, fees under the
37 patient's medical retainer agreement may be paid from such medical
38 savings account, subject to any federal or state laws regarding qualified
39 expenditures from a health savings account.

40 (2) The employer of any patient described in subdivision (1) of
41 this subsection may:

42 (a) Make contributions into such patient's health savings account
43 to cover all or any portion of the agreed-upon fees under the patient's
44 medical retainer agreement, subject to any federal or state restrictions
45 on contributions made by an employer to a health savings account; or

46 (b) Pay the agreed-upon fees directly to the physician under the
47 medical retainer agreement.

48 6. Nothing in this section shall be construed as prohibiting,
49 limiting, or otherwise restricting a physician in a collaborative practice
50 arrangement from entering into a medical retainer agreement under
51 this section.

52 7. A covenant not to compete entered into between a physician
53 and a nonprofit employer shall not apply to medical retainer
54 agreements under this section entered into or continued after
55 termination of the physician's employment with such nonprofit
56 employer. No physician shall be deemed in breach of any covenant not
57 to compete with a previous nonprofit employer as a result of entering
58 into or continuing a medical retainer agreement under this section

59 after termination of the physician's employment.

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