

FIRST REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

# HOUSE BILL NO. 769

98TH GENERAL ASSEMBLY

1440H.04P

D. ADAM CRUMBLISS, Chief Clerk

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## AN ACT

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

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*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  
2 known as section 376.1800, to read as follows:

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

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

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

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

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

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

16 **(1) Be in writing;**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17           **(2) Be signed by the physician or agent of the physician and the individual patient**  
18 **or such individual patient's legal representative;**

19           **(3) Allow either party to terminate the agreement on written notice to the other**  
20 **party;**

21           **(4) Describe the specific health care services that are included in the agreement;**

22           **(5) Specify the fee for the agreement;**

23           **(6) Specify the period of time under the agreement; and**

24           **(7) Prominently state in writing that the agreement is not health insurance.**

25           **5. (1) For any patient who enters into a medical retainer agreement under this**  
26 **section and who has established a health savings account (HSA) in compliance with 26**  
27 **U.S.C. Section 223, or who has a flexible spending arrangement (FSA) or health**  
28 **reimbursement arrangement (HRA), fees under the patient's medical retainer agreement**  
29 **may be paid from such health savings account or reimbursed through such flexible**  
30 **spending arrangement or health reimbursement arrangement, subject to any federal or**  
31 **state laws regarding qualified expenditures from a health savings account, or**  
32 **reimbursement through a flexible spending arrangement or a health reimbursement**  
33 **arrangement.**

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

35           **(a) Make contributions to such patient's health savings account, flexible spending**  
36 **arrangement, or health reimbursement arrangement to cover all or any portion of the**  
37 **agreed-upon fees under the patient's medical retainer agreement, subject to any federal or**  
38 **state restrictions on contributions made by an employer to a health savings account, or**  
39 **reimbursement through a flexible spending arrangement, or health reimbursement**  
40 **arrangement; or**

41           **(b) Pay the agreed-upon fees directly to the physician under the medical retainer**  
42 **agreement.**

43           **6. Nothing in this section shall be construed as prohibiting, limiting, or otherwise**  
44 **restricting a physician in a collaborative practice arrangement from entering into a**  
45 **medical retainer agreement under this section.**

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