

HOUSE BILL NO. 769

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE FREDERICK.

1440L.031

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 376, RSMo, by adding thereto two new sections 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 two new sections, to be known as sections 376.1800 and 376.1805, 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 section. Entering into a medical retainer agreement is not the business of insurance and is not subject to this section.

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;

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;**

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

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

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

32 **(2) The employer of any patient described in subdivision (1) of this subsection may**
33 **make contributions into such patient's health savings account to cover all or any portion**
34 **of the agreed-upon fees under the patient's medical retainer agreement, subject to any**
35 **federal or state restrictions on contributions made by an employer to a health savings**
36 **account.**

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

376.1805. Every health carrier and health benefit plan, as defined in section
2 **376.1350, shall consider all direct health care services costs under a medical retainer**
3 **agreement as defined in section 376.1800, fee-for-service costs, and out-of-pocket costs**
4 **incurred by a policyholder for health care services provided by a physician licensed in this**
5 **state, by a licensed physical therapist acting upon referral from a licensed physician, by**
6 **an advanced practice registered nurse working in a collaborative practice arrangement**
7 **with a licensed physician, an assistant physician working in a collaborative practice**
8 **arrangement with a licensed physician, a physician assistant working under a supervision**
9 **agreement with a licensed physician, or by a licensed psychologist as qualified medical**
10 **expenses for purposes of any deductible and any maximum out-of-pocket medical expense**
11 **limits under a health benefit plan, high-deductible health insurance plan, or any other**
12 **health insurance plan offered in this state.**

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