

SENATE AMENDMENT NO. _____

Offered by _____ of _____

Amend SS/Senate Bill No. 726, Page 1, Section 9.288, Line 9,

2 by inserting after all of said line the following:

3 "376.1800. 1. As used in this section, the following
4 terms shall mean:

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

11 (2) ["Physician"] "Provider", a chiropractor licensed
12 under chapter 331, a dentist licensed under chapter 332, or
13 a physician licensed under chapter 334. [Physician]
14 Provider includes an individual [physician] provider or a
15 group of [physicians] providers.

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

20 3. A [physician] provider or agent of a [physician]
21 provider is not required to obtain a certificate of
22 authority or license under this section to market, sell, or
23 offer to sell a medical retainer agreement.

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

- 27 (1) Be in writing;
- 28 (2) Be signed by the [physician] provider or agent of
29 the [physician] provider and the individual patient or such
30 individual patient's legal representative;
- 31 (3) Allow either party to terminate the agreement on
32 written notice to the other party;
- 33 (4) Describe the specific health care services that
34 are included in the agreement;
- 35 (5) Specify the fee for the agreement;
- 36 (6) Specify the period of time under the agreement; and
- 37 (7) Prominently state in writing that the agreement is
38 not health insurance.

39 5. (1) For any patient who enters into a medical
40 retainer agreement under this section and who has
41 established a health savings account (HSA) in compliance
42 with 26 U.S.C. Section 223, or who has a flexible spending
43 arrangement (FSA) or health reimbursement arrangement (HRA),
44 fees under the patient's medical retainer agreement may be
45 paid from such health savings account or reimbursed through
46 such flexible spending arrangement or health reimbursement
47 arrangement, subject to any federal or state laws regarding
48 qualified expenditures from a health savings account, or
49 reimbursement through a flexible spending arrangement or a
50 health reimbursement arrangement.

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

53 (a) Make contributions to such patient's health
54 savings account, flexible spending arrangement, or health
55 reimbursement arrangement to cover all or any portion of the
56 agreed-upon fees under the patient's medical retainer
57 agreement, subject to any federal or state restrictions on
58 contributions made by an employer to a health savings

59 account, or reimbursement through a flexible spending
60 arrangement, or health reimbursement arrangement; or

61 (b) Pay the agreed-upon fees directly to the
62 **[physician]** provider under the medical retainer agreement.

63 6. Nothing in this section shall be construed as
64 prohibiting, limiting, or otherwise restricting a
65 **[physician]** provider in a collaborative practice arrangement
66 from entering into a medical retainer agreement under this
67 section."; and

68 Further amend the title and enacting clause accordingly.