

# SENATE AMENDMENT NO. \_\_\_\_\_

Offered by \_\_\_\_\_ of \_\_\_\_\_

Amend SS/SCS/HCS/House Bill No. 2168, Page 79, Section 376.380, Line 1233,

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.