

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 551

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1 RELATING TO HEALTH CARE; AMENDING CHAPTER 90, TITLE 39, IDAHO CODE, BY THE  
2 ADDITION OF A NEW SECTION 39-9005, IDAHO CODE, TO DEFINE TERMS, TO PRO-  
3 VIDE THAT A MEDICAL RETAINER AGREEMENT SHALL DESCRIBE SERVICES INCLUDED  
4 IN THE CONTRACT, TO ESTABLISH THAT A PROVIDER SHALL NOT BILL AN INSURER  
5 FOR SERVICES PROVIDED UNDER A MEDICAL RETAINER AGREEMENT AND TO PROVIDE  
6 THAT MEDICAL RETAINER AGREEMENTS SHALL NOT BE REGULATED AS HEALTH IN-  
7 SURANCE.  
8

9 Be It Enacted by the Legislature of the State of Idaho:

10 SECTION 1. That Chapter 90, Title 39, Idaho Code, be, and the same is  
11 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
12 ignated as Section 39-9005, Idaho Code, and to read as follows:

13 39-9005. MEDICAL RETAINER AGREEMENTS. (1) For purposes of this sec-  
14 tion, the following definitions shall apply:

15 (a) "Medical provider" means a person licensed or otherwise authorized  
16 to provide health care services in this state who provides such services  
17 either alone or with others with whom the provider is professionally as-  
18 sociated, in a form and within a scope authorized for the provision of  
19 such services and who enters into a medical retainer agreement.

20 (b) "Medical retainer agreement" means a written contract between a  
21 medical provider and an individual patient or a patient's representa-  
22 tive, in which the medical provider agrees to provide routine health  
23 care services to the individual patient over a specified period of time  
24 for an agreed upon fee, whether or not either party to the contract may  
25 terminate the agreement upon written notice to the other party.

26 (c) "Routine health care services" are those services a medical  
27 provider is licensed or otherwise authorized to provide and may in-  
28 clude, but are not limited to, such services as:

29 (i) Screening, assessment, diagnosis and treatment for the pur-  
30 pose of promotion of health and detection and management of dis-  
31 ease or injury;

32 (ii) Supplies and prescription drugs that are dispensed in a medi-  
33 cal provider's office; and

34 (iii) Laboratory work, such as routine blood screening or routine  
35 pathology screening performed by a laboratory that:

36 1. Is associated with the medical provider entering into the  
37 medical retainer agreement; or

38 2. If not associated with the medical provider, has entered  
39 into an agreement with the medical provider to provide the  
40 laboratory work without charging a fee to the patient for the  
41 laboratory work.

1           (2) A medical retainer agreement shall describe the general scope of  
2 the routine health care services that are included in the contract.

3           (3) A medical provider shall not bill an insurer for the services pro-  
4 vided under a medical retainer agreement, however, a patient may submit a re-  
5 quest for reimbursement to an insurer if permitted under a policy of insur-  
6 ance.

7           (4) Medical retainer agreements shall not be subject to regulation as  
8 health insurance or otherwise under title 41, Idaho Code.