

TITLE 39  
HEALTH AND SAFETY

CHAPTER 92  
IDAHO DIRECT PRIMARY CARE ACT

39-9201. SHORT TITLE. This chapter shall be known and may be cited as the "Idaho Direct Primary Care Act."

[39-9201, added 2015, ch. 291, sec. 1, p. 1164.]

39-9202. PUBLIC POLICY. It is the policy of the state of Idaho to promote personal responsibility for health care and the cost-effective delivery of medical services by encouraging innovative use of direct patient-provider practices for primary medical care. Direct patient-provider practices utilize a model of periodic fees for provider access and medical management over time, rather than simply a fee for visit or procedure service model. Some patients and individual primary care providers may wish to establish direct agreements with one another as an alternative to traditional fee-for-service care financed through health insurance. The purpose of this act is to confirm that direct patient-provider agreements that satisfy the provisions of this chapter do not constitute insurance.

[39-9202, added 2015, ch. 291, sec. 1, p. 1164.]

39-9203. DEFINITIONS. For purposes of this chapter, the following definitions apply:

(1) "Direct fee" means an agreed-upon fee charged by a primary care provider as consideration for providing and being available to provide direct primary care services described in a direct primary care agreement.

(2) "Direct primary care agreement" means a written contract between a primary care provider and an individual patient or a patient's representative in which the primary care provider agrees to provide direct primary care services to the patient over a specified period of time for payment of a direct fee.

(3) "Direct primary care services" means those services that a primary care provider is licensed or otherwise legally authorized to provide and may include, but are not limited to, such services as screening, assessment, diagnosis and treatment for the purpose of promoting health; detection, management and care of disease or injury; or routine preventive or diagnostic dental treatment. Such services may be provided in a primary care provider's office, the patient's home or other locations where a patient visit with the primary care provider needs to occur.

(4) "Patient" means a person who is entitled to receive direct primary care services under a direct care agreement.

(5) "Patient's representative" means a person identified in section 39-4504(1)(a) through (g), Idaho Code.

(6) "Primary care provider" means a natural person licensed or otherwise legally authorized to provide health care services in the state of Idaho in the field of pediatrics, family medicine, internal medicine or dentistry, who provides such services either alone or in professional association with others in a form and within a scope permitted by such licensure or legal authorization for the provision of such services, and who enters into a direct primary care agreement.

[39-9203, added 2015, ch. 291, sec. 1, p. 1164.]

39-9204. DIRECT PRIMARY CARE AGREEMENT PROVISIONS. (1) A direct primary care agreement shall identify:

- (a) The primary care provider and the patient;
- (b) The general scope of services as well as the specific services to be provided by the primary care provider;
- (c) The location or locations where services are to be provided;
- (d) The amount of the direct fee and the time interval at which it is to be paid; and
- (e) The term of the agreement and the conditions upon which it may be terminated by the primary care provider. The agreement shall be terminable at will by written notice from the patient to the primary care provider.

(2) If a party provides written notice of termination of the direct primary care agreement, the primary care provider shall refund to the patient all unearned direct fees within thirty (30) days following the notice of termination.

[39-9204, added 2015, ch. 291, sec. 1, p. 1165.]

39-9205. INSURANCE BILLING PROHIBITED. Neither the patient nor the primary care provider shall submit a bill to an insurer for the services provided under a direct primary care agreement.

[39-9205, added 2015, ch. 291, sec. 1, p. 1165.]

39-9206. AGREEMENTS NOT CLASSIFIED AS INSURANCE. Direct primary care agreements are not subject to regulation as insurance under title 41, Idaho Code.

[39-9206, added 2015, ch. 291, sec. 1, p. 1165.]

39-9207. DISCLAIMER. A direct primary care agreement shall include the following disclaimer: "This agreement does not provide health insurance coverage, including the minimal essential coverage required by applicable federal law. It provides only the services described herein. It is recommended that health care insurance be obtained to cover medical services not provided for under this direct primary care agreement."

[39-9207, added 2015, ch. 291, sec. 1, p. 1165.]

39-9208. RESTRICTIONS ON TRANSFER. A direct primary care agreement may not be sold or transferred by the primary care provider without the written consent of the patient and may be transferred only to another primary care provider. A direct primary care agreement may not be sold to a group, employer or group of subscribers because it is an individual agreement between a primary care provider and a patient. These limitations do not prohibit the presentation of marketing materials to groups of potential patients or their representatives but said marketing materials are subject to chapter 6, title 48, Idaho Code.

[39-9208, added 2015, ch. 291, sec. 1, p. 1165.]

39-9209. EFFECT OF THIS CHAPTER. This chapter does not prohibit health care providers who are not primary care providers from entering into agreements with patients to the extent such agreements do not violate the provisions of title 41, Idaho Code.

[39-9209, added 2015, ch. 291, sec. 1, p. 1166.]