

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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HOUSE BILL 471
Senate Health Care Committee Substitute Adopted 5/28/20

Short Title: Exempt Direct Primary Care from DOI Regs.

(Public)

Sponsors:

Referred to:

March 28, 2019

1 A BILL TO BE ENTITLED
2 AN ACT EXEMPTING MEDICAL DIRECT PRIMARY CARE FROM REGULATION BY
3 THE DEPARTMENT OF INSURANCE.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** Article 3 of Chapter 58 of the General Statutes is amended by adding
6 a new section to read:

7 **"§ 58-3-8. Medical direct primary care agreements not subject to this Chapter.**

8 (a) Definitions. – The following definitions apply in this section:

9 (1) Medical direct primary care agreement. – A contract between a primary care
10 provider and an individual patient or individual patient's legal representative
11 in which the primary care provider agrees to provide primary care services to
12 the individual patient for a specified fee and specified period of time. Under a
13 medical direct primary care agreement, a direct primary care provider charges
14 a specified periodic fee for health care services and does not bill any third
15 parties on a fee-for-service basis.

16 (2) Primary care provider. – An individual or other legal entity that is licensed,
17 registered, or otherwise authorized to provide primary health care services in
18 this State under Chapter 90 of the General Statutes. This includes an individual
19 or other legal entity alone or with others professionally associated with the
20 individual or other legal entity.

21 (3) Primary care service. – Includes, but is not limited to, the screening,
22 assessment, diagnosis, and treatment of a patient for the promotion of health
23 or the detection and management of disease or injury within the scope of
24 practice of the primary care provider.

25 (b) A medical direct primary care agreement is not insurance and is not subject to the
26 provisions of this Chapter. Entering into a medical direct primary care agreement is not the
27 business of insurance and is not subject to the provisions of this Chapter.

28 (c) Primary care providers and their agents shall not be required to be licensed or certified
29 under this Chapter to market, sell, or offer to sell direct primary care agreements.

30 (d) A medical direct primary care agreement under this section must do all of the
31 following:

32 (1) Be in writing.

33 (2) Be signed by the primary care provider, or the provider's agent, and the
34 patient, or the patient's legal representative.

35 (3) Allow either party to terminate the agreement with written notice to the other
36 party.



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- 1 (4) Specify the periodic fee for the agreement.
2 (5) Specify the primary care services that are included in the agreement and
3 covered by the specified periodic fee.
4 (6) Specify the duration of the agreement and any automatic renewal periods.
5 (7) Prominently state in writing that the agreement is not health insurance."
6 **SECTION 2.** This act is effective when it becomes law.