

REFERENCE TITLE: direct care plans; insurance; exemption

State of Arizona
Senate
Fifty-first Legislature
Second Regular Session
2014

SB 1404

Introduced by
Senator Ward

AN ACT

AMENDING TITLE 20, CHAPTER 1, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 20-123; RELATING TO DIRECT PRIMARY CARE PROVIDER PLANS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 20, chapter 1, article 1, Arizona Revised Statutes,
3 is amended by adding section 20-123, to read:

4 20-123. Direct primary care provider: exemption from
5 regulation; notice; definitions

6 A. A DIRECT PRIMARY CARE PROVIDER PLAN DOES NOT CONSTITUTE THE
7 TRANSACTION OF INSURANCE BUSINESS OR A HEALTH CARE SERVICES ORGANIZATION IN
8 THIS STATE FOR THE PURPOSES OF REGULATION UNDER THIS TITLE.

9 B. A DIRECT PRIMARY CARE PROVIDER PLAN MAY ARRANGE FOR PRIMARY HEALTH
10 CARE FOR ENROLLEES IN THIS STATE.

11 C. A DIRECT PRIMARY CARE PROVIDER PLAN MUST PROVIDE A WRITTEN
12 DISCLAIMER ON OR ACCOMPANYING ALL APPLICATION AND GUIDELINE MATERIALS
13 DISTRIBUTED BY OR ON BEHALF OF THE DIRECT PRIMARY CARE PROVIDER PLAN THAT
14 READS, IN SUBSTANCE:

15 NOTICE: THE ORGANIZATION FACILITATING THE DIRECT PRIMARY CARE
16 PROVIDER PLAN IS NOT AN INSURANCE COMPANY AND THE DIRECT PRIMARY
17 CARE COMPANY GUIDELINES AND PLAN OPERATION ARE NOT AN INSURANCE
18 POLICY. PARTICIPATION IN THE DIRECT PRIMARY CARE PROVIDER PLAN
19 OR A SUBSCRIPTION TO ANY OF ITS DOCUMENTS SHOULD NOT BE
20 CONSIDERED TO BE INSURANCE. REGARDLESS OF WHETHER YOU RECEIVE
21 TREATMENT FOR MEDICAL ISSUES THROUGH THE DIRECT PRIMARY CARE
22 PROVIDER PLAN, YOU ARE ALWAYS PERSONALLY RESPONSIBLE FOR THE
23 PAYMENT OF ANY ADDITIONAL MEDICAL EXPENSES YOU MAY INCUR.

24 D. FOR THE PURPOSES OF THIS SECTION:

25 1. "DIRECT PRIMARY CARE PROVIDER PLAN" MEANS A PRIMARY CARE PROVIDER
26 THAT COLLECTS ON A PREPAID BASIS FEES TO CONDUCT PRIMARY HEALTH CARE FOR
27 ENROLLEES.

28 2. "ENROLLEE" MEANS AN INDIVIDUAL, FAMILY OR GROUP THAT HAS ENROLLED
29 IN A DIRECT PRIMARY CARE PROVIDER PLAN.

30 3. "PRIMARY CARE PROVIDER" MEANS A PHYSICIAN WHO IS LICENSED PURSUANT
31 TO TITLE 32, CHAPTER 13 OR 17 AND WHO SPECIALIZES OR IS BOARD CERTIFIED IN
32 GENERAL PRACTICE, FAMILY MEDICINE, INTERNAL MEDICINE OR PEDIATRICS.

33 4. "PRIMARY HEALTH CARE" MEANS CONDUCTING ALL COMPONENTS OF PRIMARY
34 CARE THAT IS ORDERED AND SUPERVISED BY A PRIMARY CARE PROVIDER, INCLUDING
35 MEDICAL VISITS, LABORATORY TESTING, IMAGING, PATHOLOGY TESTING, PRESCRIBING
36 AND ADMINISTERING MEDICATION AND OTHER MEDICAL PROCEDURES THAT MAY BE
37 PERFORMED OR SUPERVISED BY A PRIMARY CARE PROVIDER WITH TRAINING AND
38 EXPERIENCE IN THAT PROCEDURE.