

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute No. 2 for Senate Bill No. 710, Page 69, Section 335.257,
2 Line 4, by inserting after all of said section and line the following:

3
4 "376.1800. 1. As used in this section, the following terms shall mean:

5 (1) "Dentist", a dentist licensed under chapter 332. The term "dentist" includes an
6 individual dentist or a group of dentists;

7 (2) "Medical retainer agreement", a contract between a physician or a dentist and an
8 individual patient or such individual patient's legal representative in which the physician or dentist
9 agrees to provide certain health care services described in the agreement to the individual patient for
10 an agreed-upon fee and period of time;

11 ~~[(2)]~~ (3) "Physician", a physician licensed under chapter 331 or 334. Physician includes an
12 individual physician or a group of physicians.

13 2. A medical retainer agreement is not insurance and is not subject to this chapter. Entering
14 into a medical retainer agreement is not the business of insurance and is not subject to this chapter.

15 3. A physician, a dentist, or an agent of a physician or dentist is not required to obtain a
16 certificate of authority or license under this section to market, sell, or offer to sell a medical retainer
17 agreement.

18 4. To be considered a medical retainer agreement for the purposes of this section, the
19 agreement shall meet all of the following requirements:

20 (1) Be in writing;

21 (2) Be signed by the physician, the dentist, or the agent of the physician or dentist and the
22 individual patient or such individual patient's legal representative;

23 (3) Allow either party to terminate the agreement on written notice to the other party;

24 (4) Describe the specific health care services that are included in the agreement;

25 (5) Specify the fee for the agreement;

26 (6) Specify the period of time under the agreement; and

27 (7) Prominently state in writing that the agreement is not health insurance.

28 5. (1) For any patient who enters into a medical retainer agreement under this section and
29 who has established a health savings account (HSA) in compliance with 26 U.S.C. Section 223, or
30 who has a flexible spending arrangement (FSA) or health reimbursement arrangement (HRA), fees

Action Taken _____ Date _____

1 under the patient's medical retainer agreement may be paid from such health savings account or
2 reimbursed through such flexible spending arrangement or health reimbursement arrangement,
3 subject to any federal or state laws regarding qualified expenditures from a health savings account,
4 or reimbursement through a flexible spending arrangement or a health reimbursement arrangement.

5 (2) The employer of any patient described in subdivision (1) of this subsection may:

6 (a) Make contributions to such patient's health savings account, flexible spending
7 arrangement, or health reimbursement arrangement to cover all or any portion of the agreed-upon
8 fees under the patient's medical retainer agreement, subject to any federal or state restrictions on
9 contributions made by an employer to a health savings account, or reimbursement through a flexible
10 spending arrangement, or health reimbursement arrangement; or

11 (b) Pay the agreed-upon fees directly to the physician or dentist under the medical retainer
12 agreement.

13 6. Nothing in this section shall be construed as prohibiting, limiting, or otherwise restricting
14 a physician in a collaborative practice arrangement from entering into a medical retainer agreement
15 under this section."; and

16
17 Further amend said bill by amending the title, enacting clause, and intersectional references
18 accordingly.