

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend the Code of Virginia by adding in Chapter 29 of Title 54.1 an article numbered 10,*
3 *consisting of sections numbered 54.1-2997 and 54.1-2998, relating to direct primary care*
4 *agreements.*

5 [H 2053]

6 Approved

7 **Be it enacted by the General Assembly of Virginia:**

8 **1. That the Code of Virginia is amended by adding in Chapter 29 of Title 54.1 an article**
9 **numbered 10, consisting of sections numbered 54.1-2997 and 54.1-2998, as follows:**

10 *Article 10.*11 *Direct Primary Care Agreements.*12 **§ 54.1-2997. Direct primary care agreements.**

13 *A. A direct agreement between a patient, the patient's legal representative, or the patient's employer*
14 *and a health care provider for ongoing primary care services in exchange for the payment of a monthly*
15 *periodic fee, referred to in this article as a direct primary care agreement, is not health insurance or a*
16 *health maintenance organization, provided that the health care provider does not require patients to pay*
17 *monthly periodic fees prior to initiation of the direct agreement coverage period. A health care provider*
18 *who participates in a direct primary care practice may participate in a health insurance carrier network*
19 *so long as the provider is willing and able to meet the terms and conditions of network membership set*
20 *by the health insurance carrier.*

21 *B. The provisions of this article shall not apply to contracts entered into prior to March 1, 2017.*22 **§ 54.1-2998. Direct primary care agreement requirements; disclosures; disclaimer.**

23 *A. Every direct primary care agreement shall include the following disclaimer: "This agreement does*
24 *not provide comprehensive health insurance coverage. It provides only the provision of primary care as*
25 *specifically described in this agreement."*

26 *B. A direct primary care practice shall make the following written information available to*
27 *prospective direct primary care patients by prominently disclosing in marketing materials and retainer*
28 *medical agreements that:*

29 *1. The direct primary care agreement is not insurance;*

30 *2. The direct primary care practice provides only the limited scope of primary care specified in the*
31 *direct primary care agreement;*

32 *3. A patient is required to pay for all services provided by the direct primary care practice that are*
33 *not specified in the direct primary care agreement; and*

34 *4. The agreement standing alone does not satisfy the health benefit requirements as established in 80*
35 *the federal Patient Protection and Affordable Care Act (P.L. 111-148), as amended.*

36 *C. A direct primary care agreement shall be signed by the individual direct patient who is a party to*
37 *the direct primary care agreement. Nothing in this subsection prohibits the presentation of marketing*
38 *materials to groups of potential direct primary care patients.*

39 *D. A comprehensive disclosure statement shall be distributed to all direct primary care patients with*
40 *their participation forms. Such disclosure shall (i) inform the direct primary care patients of their*
41 *financial rights and responsibilities to the direct primary care practice as provided for in this article,*
42 *(ii) encourage direct primary care patients to obtain and maintain insurance for services not provided*
43 *by the direct primary care practice, and (iii) state that the direct primary care practice will not bill a*
44 *health carrier for services covered under the direct primary care agreement.*

ENROLLED

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