

1 **PRIMARY CARE AMENDMENTS**

2 2015 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Ken Ivory**

5 Senate Sponsor: Evan J. Vickers

7 **LONG TITLE**

8 **General Description:**

9 This bill amends the Insurance Code related to medical retainer agreements.

10 **Highlighted Provisions:**

11 This bill:

12 ▶ clarifies that a medical retainer agreement may include the delivery of routine health
13 care services via telehealth.

14 **Money Appropriated in this Bill:**

15 None

16 **Other Special Clauses:**

17 None

18 **Utah Code Sections Affected:**

19 AMENDS:

20 **31A-4-106.5**, as enacted by Laws of Utah 2012, Chapter 50

22 *Be it enacted by the Legislature of the state of Utah:*

23 Section 1. Section **31A-4-106.5** is amended to read:

24 **31A-4-106.5. Medical retainer agreements.**

25 (1) For purposes of this section:

26 (a) "Medical retainer agreement" means a written contract:

27 (i) between:



28 (A) except as provided in Subsection (1)(b)(iii)(B), a natural person or a professional
29 corporation, alone or with others professionally associated with the natural person or
30 professional corporation; and

31 (B) an individual patient or a patient's representative; and

32 (ii) in which:

33 (A) the person described in Subsection (1)(a)(i)(A) agrees to provide routine health
34 care services, including routine health care services provided via telehealth, to the individual
35 patient for an agreed upon fee and period of time; and

36 (B) either party to the contract may terminate the agreement upon written notice to the
37 other party.

38 (b) "Routine health care services" include:

39 (i) screening, assessment, diagnosis, and treatment for the purpose of promotion of
40 health, and detection and management of disease or injury;

41 (ii) supplies and prescription drugs that are dispensed in a health care provider's office;
42 and

43 (iii) laboratory work, such as routine blood screening or routine pathology screening
44 performed by a laboratory that:

45 (A) is associated with the health care provider entering into the medical retainer
46 agreement; or

47 (B) if not associated with the health care provider, has entered into an agreement with
48 the health care provider to provide the laboratory work without charging a fee to the patient for
49 the laboratory work.

50 (2) A medical retainer agreement exempt from the provisions of Subsection
51 [31A-4-106\(2\)](#) shall:

52 (a) describe the specific routine health care services that are included in the contract;

53 (b) prominently state in writing that the retainer agreement is not health insurance; and

54 (c) prohibit the health care provider, but not the patient, from billing an insurer for the
55 services provided under the medical retainer agreement.

Legislative Review Note
as of 2-23-15 8:47 AM

Office of Legislative Research and General Counsel