

LC003921

IN GENERAL ASSEMBLY

RELATING TO BUSINESSES AND PROFESSIONS -- THE PRIMARY CARE
PRESERVATION ACT

Referred To: House Health & Human Services

1 SECTION 1. Title 5 of the General Laws entitled "BUSINESSES AND PROFESSIONS"

2 is hereby amended by adding thereto the following chapter:

THE PRIMARY CARE PRESERVATION ACT

This chapter shall be known and may be cited as "The Primary Care Preservation Act."

As used in this chapter, the following words and terms shall have the meanings ascribed to
below unless the context clearly indicates otherwise:

(1) "Administrative or operational fee" means a reasonable charge assessed by a physician practice to patients for non-clinical services necessary to support operations including, but not limited to, reception, scheduling, care coordination, referral management, communication systems, record handling, and other administrative functions.

14 (2) "Payor" means any insurer, health maintenance organization, or other entity responsible
15 for payment of healthcare services under a health plan.

16 (3) "Physician practice" means a medical practice owned or operated by one or more
17 licensed physicians providing outpatient care in the State of Rhode Island.

1 **5-37.9-3. Payor contract restrictions prohibited.**

2 (a) No payor shall include in any contract, agreement, or participation document with a
3 physician practice any clause or provision that prohibits, restricts, penalizes, or interferes with the
4 ability of the practice to charge, bill, or collect a reasonable administrative or operational fee
5 directly from patients.

6 (b) No payor shall impose conditions, penalties, or sanctions on a physician practice for
7 assessing such fees, provided that the fees are disclosed to patients in advance and are not billed to
8 the payor.

9 (c) Nothing in this section shall be construed to require a payor to reimburse a physician
10 practice or patient for such fees.

11 **5-37.9-4. Patient access and continuity of care.**

12 (a) Nothing in this chapter shall limit a physician practice's obligation to provide
13 emergency or urgent care regardless of payment of any administrative or operational fee.

14 (b) Physician practices shall provide reasonable notice and access to patient medical
15 records consistent with state and federal law.

16 **5-37.9-5. Enforcement.**

17 Any provision in a payor contract that violates this chapter shall be deemed null and void
18 and unenforceable as a matter of public policy.

19 **5-37.9-6. Severability.**

20 If any clause, sentence, paragraph, section, or part of this chapter shall be adjudged by any
21 court of competent jurisdiction to be invalid, that judgment shall not affect, impair, or invalidate
22 the remainder of the chapter but shall be confined in its operation to the clause, sentence, paragraph,
23 section, or part directly involved in the controversy in which that judgment shall have been
24 rendered.

25 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO BUSINESSES AND PROFESSIONS -- THE PRIMARY CARE
PRESERVATION ACT

- 1
- This act would prohibit health insurance companies or other payors from including in their
- 2
- physician participation agreements any provisions that restrict or prevent a physician practice from
- 3
- charging patients reasonable administrative or operational fees to support practice overhead.
- 4
- This act would take effect upon passage.

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