

SB 5716-S - DIGEST

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Provides that a retainer practice may charge a retainer fee as consideration for being available to provide and providing all primary care services that are within the scope of the provider's license to a retainer subscriber during a specified service period if the retainer health care practice deposits the fee in one or more identifiable trust accounts and distributes the fee to the retainer practice at the end of the specified service period.

Provides that a retainer practice may charge a retainer fee as consideration for being available to provide and providing primary care services to a retainer subscriber during a specified service period if the retainer health care practice deposits the fee in one or more identifiable trust accounts and distributes the fee to the retainer practice at the end of the specified service period.

Provides that the instrument creating the trust and governing the trust account must provide that: (1) All retainer fees are held in trust for and remain the property of the retainer subscriber until the end of the service period for which they are charged, at which time they become the property of the retainer health care practice.

(2) All unearned retainer fees will immediately be returned to the retainer subscriber, upon the occurrence of any event that prevents the provision of the health care services as contemplated by the retainer agreement.

Requires a retainer practice to: (1) Promptly notify a retainer subscriber of the receipt of his or her retainer fee;

(2) Render appropriate accounts to retainer subscribers regarding the funds; and

(3) Promptly refund to the retainer subscriber all unearned retainer fees upon the occurrence of any event that prevents the provision of the health care services as contemplated by the retainer agreement.

Requires every retainer health care practice to maintain the following records for a period of five years, and upon request must make the following records available to the commissioner for review: (1) Forms of contracts between the retainer practice and retainer subscribers;

(2) Documents relating to the creation and maintenance of any retainer fee trust accounts. However, any patient's personal identifying information may be withheld, unless otherwise authorized by the patient;

(3) All advertising relating to the retainer practice and its services; and

(4) All records relating to retainer fees received by the retainer health care practice. However, any patient's personal

identifying information may be withheld, unless otherwise authorized by the patient.

Directs the commissioner to adopt rules in accordance with chapter 34.05 RCW establishing a standardized disclosure form to be distributed to all retainer subscribers with their enrollment forms. Such form will inform the subscriber patient of their financial rights and responsibilities to the retainer practice as provided for in this act, will encourage that the retainer patient obtain and maintain insurance for services not provided by the retainer practice, and that the provider will not bill a carrier for services covered under the retainer agreement. Such a standardized disclosure form shall be deemed sufficient disclosure of a retainer practice's obligations under this act.