



1 (E) "PROGRAM" SHALL MEAN A HEALTH CARE RETAINER PROGRAM OFFERED AND  
2 OPERATED BY A PRIMARY CARE PHYSICIAN OR A GROUP OF PRIMARY CARE PHYSI-  
3 CIANS WHEREBY SUCH PHYSICIAN OR PHYSICIANS, AND PRIMARY CARE PRACTITION-  
4 ERS UNDER THE CONTROL OF SUCH PHYSICIAN OR PHYSICIANS, AGREE TO PROVIDE  
5 ALL NECESSARY PRIMARY CARE TO ANY PERSON ENTERING INTO AN AGREEMENT, AND  
6 THEIR DEPENDENTS, FOR A CERTAIN PERIOD OF TIME IN EXCHANGE FOR A FEE  
7 ESTABLISHED UPON ENTERING INTO THE AGREEMENT.

8 S 5702. HEALTH CARE RETAINER PROGRAMS. ANY PRIMARY CARE PHYSICIAN OR  
9 GROUP OF PRIMARY CARE PHYSICIANS MAY ESTABLISH AND OPERATE A HEALTH CARE  
10 RETAINER PROGRAM SUBJECT TO THE PROVISIONS OF THIS SECTION.

11 (A) EVERY AGREEMENT SHALL BE WRITTEN IN CLEAR, CONCISE AND EASY TO  
12 UNDERSTAND LANGUAGE, AND FULLY DEFINE THE PRIMARY CARE SERVICES COVERED  
13 BY SUCH AGREEMENT, THE FEE FOR THE PROVISION OF SUCH SERVICES, AND THE  
14 PERIOD OF TIME SUCH SERVICES ARE TO BE PROVIDED FOR SUCH FEE.

15 (B) EVERY AGREEMENT SHALL BE LIMITED TO THE PROVISION OF PRIMARY CARE.

16 (C) ALL FEES AND CHARGES PAID FOR AGREEMENTS SHALL BE DEPOSITED BY THE  
17 OPERATORS OF A PROGRAM IN AN UNSEGREGATED INTEREST-BEARING DEPOSIT  
18 ACCOUNT WITH A BANKING INSTITUTION, AS DEFINED IN THE BANKING LAW.  
19 MONEYS SHALL BE PAID OUT OF SUCH ACCOUNT ONLY IN SUCH AMOUNT AS IS  
20 EQUIVALENT TO THE FEES AND CHARGES FOR PRIMARY CARE DELIVERED DURING THE  
21 PRECEDING CALENDAR MONTH.

22 (D) EVERY PROGRAM SHALL, ON OR BEFORE FEBRUARY FIRST EACH YEAR, SUBMIT  
23 AN AFFIDAVIT TO THE SUPERINTENDENT ATTESTING TO ITS COMPLIANCE WITH THE  
24 PROVISIONS OF THIS ARTICLE DURING THE IMMEDIATELY PRECEDING CALENDAR  
25 YEAR.

26 S 3. This act shall take effect immediately.