



November 6, 2019

The Honorable Marco Rubio
284 Russell Senate Office Building
Washington, DC 20510

Dear Senator Rubio,

On behalf of the Florida Medical Association's (FMA) more than 25,000 members, I write to express concern over H.R. 3708, the Primary Care Enhancement Act. While we appreciate Congress' recognition of Direct Primary Care's potential and the desire to support this model, we believe H.R. 3708 is more detrimental than helpful in its current form. This legislation threatens to disrupt the momentum of a rapidly growing practice model that is showing promise in driving down health care costs and reducing physician burnout, while simultaneously lowering obstacles to affordable patient care. The FMA's specific concerns are detailed below.

The majority of independent direct primary care (DPC) practices offer direct dispensing of generic medications to their patients at wholesale prices, a practice allowed by nearly all states, including Florida. This practice has been shown to improve patient compliance with treatments. Patient access to affordable prescription drugs is a priority for FMA members, and H.R. 3708 unnecessarily restricts access to these medications for DPC patients who have Health Savings Accounts.

H.R. 3708 caps monthly direct primary care fees, establishing the first-ever physician fee caps for HSA use. DPC is an innovative, alternative payment and health care delivery model. It also supports three Congressional priorities for reforming health care by offering affordable care for patients, providing price transparency and eliminating surprise medical bills. Total HSA contributions are already capped by law. This arbitrary and unreasonable cap on individual physician fees to be paid from HSAs reduces patient choice by limiting the voluntary use of their own money that they have saved for their health care.

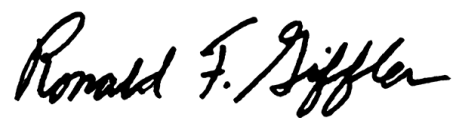
H.R. 3708 also limits the types of specialties allowed to enter an HSA-eligible direct care agreement. This limits the direct care model's reform potential, as it reduces patient and physician options. Following the early success of DPC in Florida, the 2019 Florida Legislature expanded DPC protections to all licensed medical specialists in the state. Consider a diabetes specialist entering into a fixed fee arrangement for a diabetic patient as an example.

H.R. 3708 fixes the wrong tax code. Rather than designating DPC as an eligible health expense, the legislation codifies it as an exempt "health plan." This creates conflict between state and federal law. Florida law specifically exempts DPC from being treated as a health plan, as do the laws of more than half of the states in the nation.

The FMA is a passionate supporter of developing diverse solutions and alternate models to reform health care. The direct primary care model is an established, cost-effective health care solution that

should be promoted and not inhibited by the critical flaws set forth in H.R. 3708. While we support codification of HSA use for DPC, we respectfully ask that you oppose this bill.

Sincerely,

A handwritten signature in black ink that reads "Ronald F. Giffler". The signature is written in a cursive style with a large, prominent initial 'R'.

Ronald F. Giffler, MD, JD, MBA
President, Florida Medical Association