

OCCUPATIONS CODE

TITLE 3. HEALTH PROFESSIONS

SUBTITLE A. PROVISIONS APPLYING TO HEALTH PROFESSIONS GENERALLY

CHAPTER 117. DIRECT PATIENT CARE

Sec. 117.001. DEFINITIONS. In this chapter:

(1) "Direct fee" means a fee charged by a physician or health care practitioner to a patient or a patient's designee for health care services provided by, or to be provided by, the physician or practitioner to the patient. The term includes a fee in any form, including a:

- (A) monthly retainer;
- (B) membership fee;
- (C) subscription fee;
- (D) fee paid under a direct patient care agreement; or
- (E) fee for a service, visit, or episode of care.

(2) "Direct patient care" means a health care service provided by a physician or health care practitioner to a patient in return for payment in accordance with a direct fee. The term includes telemedicine medical services and telehealth services, as those terms are defined by Section [111.001](#), provided using a technology platform.

(3) "Direct patient care agreement" means a signed written agreement under which a physician or health care practitioner agrees to provide health care services to a patient in exchange for a direct fee for a period of time that is entered into by the physician or practitioner and:

- (A) the patient;
- (B) the patient's legal representative, guardian, or employer on behalf of the patient; or
- (C) the patient's legal representative's or guardian's employer on behalf of the patient.

(4) "Health care practitioner" means an individual who holds a license, certificate, permit, or other authorization issued under this title to engage in a health care profession and who provides health care in the ordinary course of business or practice

of a profession. The term does not include a physician.

(5) "Health care service" means any care, service, or procedure provided by a physician or health care practitioner. The term includes any medical or psychological diagnosis, treatment, evaluation, advice, or other service that affects the structure or function of the human body.

(6) "Physician" means a person licensed to practice medicine in this state. The term includes a professional association or professional limited liability company owned entirely by an individual licensed under Subtitle B.

Added by Acts 2015, 84th Leg., R.S., Ch. 165 (H.B. 1945), Sec. 1, eff. May 28, 2015.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 964 (S.B. 670), Sec. 4, eff. September 1, 2019.

Transferred, redesignated and amended from Occupations Code, Subchapter F, Chapter 162 by Acts 2025, 89th Leg., R.S., Ch. 924 (H.B. 541), Sec. 1, eff. June 20, 2025.

Sec. 117.002. APPLICABILITY OF CHAPTER. This chapter does not apply to workers' compensation insurance coverage as defined by Section 401.011, Labor Code.

Added by Acts 2015, 84th Leg., R.S., Ch. 165 (H.B. 1945), Sec. 1, eff. May 28, 2015.

Transferred, redesignated and amended from Occupations Code, Subchapter F, Chapter 162 by Acts 2025, 89th Leg., R.S., Ch. 924 (H.B. 541), Sec. 1, eff. June 20, 2025.

Sec. 117.003. DIRECT PATIENT CARE NOT INSURANCE. (a) A physician or health care practitioner providing direct patient care is not an insurer or health maintenance organization, and the physician or practitioner is not subject to regulation by the Texas Department of Insurance for the direct patient care.

(b) A direct patient care agreement is not health or accident insurance or coverage under Title 8, Insurance Code, and is not subject to regulation by the Texas Department of Insurance.

(c) A physician or health care practitioner is not required

to obtain a certificate of authority under the Insurance Code to market, sell, or offer a direct patient care agreement or provide direct patient care.

(d) A physician or health care practitioner providing direct patient care does not violate Section [1204.055](#), Insurance Code.

Added by Acts 2015, 84th Leg., R.S., Ch. 165 (H.B. [1945](#)), Sec. 1, eff. May 28, 2015.

Transferred, redesignated and amended from Occupations Code, Subchapter F, Chapter [162](#) by Acts 2025, 89th Leg., R.S., Ch. 924 (H.B. [541](#)), Sec. 1, eff. June 20, 2025.

Sec. 117.004. BILLING INSURER OR HEALTH MAINTENANCE ORGANIZATION PROHIBITED. A physician or health care practitioner may not bill an insurer or health maintenance organization for direct patient care that is paid under a direct patient care agreement.

Added by Acts 2015, 84th Leg., R.S., Ch. 165 (H.B. [1945](#)), Sec. 1, eff. May 28, 2015.

Transferred, redesignated and amended from Occupations Code, Subchapter F, Chapter [162](#) by Acts 2025, 89th Leg., R.S., Ch. 924 (H.B. [541](#)), Sec. 1, eff. June 20, 2025.

Sec. 117.005. INTERFERENCE PROHIBITED. (a) The Texas Medical Board or another state agency may not prohibit, interfere with, initiate a legal or administrative proceeding against, or impose a fine or penalty against:

(1) a physician or health care practitioner solely because the physician or practitioner provides direct patient care; or

(2) a person solely because the person pays a direct fee for direct patient care.

(b) A health insurer, health maintenance organization, or health care provider as that term is defined by Section [105.001](#) may not prohibit, interfere with, or initiate a legal proceeding against:

(1) a physician or health care practitioner solely

because the physician or practitioner provides direct patient care;
or

(2) a person solely because the person pays a direct fee for direct patient care.

Added by Acts 2015, 84th Leg., R.S., Ch. 165 (H.B. 1945), Sec. 1, eff. May 28, 2015.

Transferred, redesignated and amended from Occupations Code, Subchapter F, Chapter 162 by Acts 2025, 89th Leg., R.S., Ch. 924 (H.B. 541), Sec. 1, eff. June 20, 2025.

Sec. 117.006. REQUIRED DISCLOSURE. A physician or health care practitioner providing direct patient care shall provide written or electronic notice to the patient that a direct patient care agreement for direct patient care is not insurance, prior to entering into the agreement.

Added by Acts 2015, 84th Leg., R.S., Ch. 165 (H.B. 1945), Sec. 1, eff. May 28, 2015.

Transferred, redesignated and amended from Occupations Code, Subchapter F, Chapter 162 by Acts 2025, 89th Leg., R.S., Ch. 924 (H.B. 541), Sec. 1, eff. June 20, 2025.