



Direct Primary Care – New Delivery Model Gains Traction

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DPC is really no more “direct” than the care we are accustomed to receiving from our physicians. But DPC arrangements may offer enhanced services, such as care management and coordination, same-day appointments, enhanced access to physicians (via, for example, text and email), and longer office visits.

This may sound somewhat like “concierge medicine,” which has been around for some time. However, concierge medicine usually consists of an additional fee on top of normal insurance premiums in order to afford quicker access to your physician. With DPC, the difference is in the financing. Rather than being paid via commercial health insurance, DPC physicians usually are paid directly by their patients in the form of a monthly or annual fee. Within this general framework, DPC may have several iterations. For example, in spite of foregoing commercial insurance participation, some DPC physicians may continue participation in Medicare.

At this point, over 20 states, including Kentucky and [Indiana](#), have enacted laws concerning DPC. In most cases, these laws provide that DPC does *not* constitute the business of insurance, thereby allowing DPC physicians to sidestep any such regulatory oversight. Regardless, physicians considering entering into the DPC fray must carefully consider the financial ramifications and ensure they will have a sufficient patient base and cash flow to support the transition. Also, many state laws require a written agreement to be in place between the physician and any DPC patients. In that case, any such agreements must be drafted not only to comply with all applicable legal requirements, but also include other provisions relevant to the physician/patient relationship.

Given the novelty of DPC, it may be a bit early to predict its long-term viability and potential impact on the delivery of health care. It is likely, though, to continue receiving advocacy from its proponents as an alternative delivery model, as well as further actions under various state laws to facilitate physicians’ ability to practice within the model.

If you have questions or wish to obtain further information on DPC, contact [Jim Dietz](#) at jdietz@fbtlaw.com or by phone at (859) 817-5928, or any member of the Frost Brown Todd [Health Care Industry Team](#).

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