

1 A bill to be entitled

2 An act relating to health insurance savings programs;  
3 creating s. 627.6387, F.S; providing a short title;  
4 providing definitions; authorizing a health insurer to  
5 offer a share savings incentive program; prohibiting a  
6 health insurer from requiring an insured's  
7 participation in such program; providing procedures  
8 and requirements for a health insurer that offers such  
9 program; requiring the Office of Insurance Regulation  
10 to review a health insurer's filing; providing a  
11 minimum value for a shared savings incentive  
12 applicable for each shoppable health care service;  
13 providing the baseline for the savings calculation;  
14 providing that the shared savings incentive amount  
15 does not constitute income to the insured; providing  
16 report requirements; providing that a shared savings  
17 incentive is not an administrative expense for  
18 specified purposes; providing tax reductions;  
19 providing construction; authorizing the office to  
20 adopt rules; providing an effective date.

21  
22 Be It Enacted by the Legislature of the State of Florida:

23  
24 Section 1. Section 627.6387, Florida Statutes, is created  
25 to read:

26           627.6387 Shared savings incentive program.—  
 27           (1) This section may be cited as the "Patient Savings  
 28 Act."  
 29           (2) As used in this section, the term:  
 30           (a) "Health care provider" means a hospital, a facility  
 31 licensed under chapter 395; an entity licensed under chapter  
 32 400; a health care practitioner as defined in s. 456.001; a  
 33 blood bank, plasma center, industrial clinic, and renal dialysis  
 34 facility; or a professional association, partnership,  
 35 corporation, joint venture, or other association for  
 36 professional activity by health care providers. The term  
 37 includes entities and professionals outside this state with an  
 38 active, unencumbered license for an equivalent facility or  
 39 practitioner type issued by another state, the District of  
 40 Columbia, or a possession or territory of the United States.  
 41           (b) "Health insurer" means an authorized insurer offering  
 42 health insurance as defined in s. 624.603 or a health  
 43 maintenance organization as defined in s. 641.19. The term does  
 44 not include the state group health insurance program provided  
 45 under s. 110.123.  
 46           (c) "Shared savings incentive" means a voluntary and  
 47 optional financial incentive that a health insurer may provide  
 48 to an insured for choosing certain shoppable health care  
 49 services under a shared savings incentive program and may  
 50 include, but is not limited to, the incentives described in s.

51 626.9541(4)(a).

52 (d) "Shared savings incentive program" means a voluntary  
53 and optional incentive program established by a health insurer  
54 pursuant to this section.

55 (e) "Shoppable health care service" means a lower-cost,  
56 high-quality nonemergency health care service for which a shared  
57 savings incentive is available for insureds under a health  
58 insurer's shared savings incentive program. Shoppable health  
59 care services may be provided within or outside this state and  
60 include, but are not limited to:

- 61 1. Clinical laboratory services.
- 62 2. Infusion therapy.
- 63 3. Inpatient and outpatient surgical procedures.
- 64 4. Obstetrical and gynecological services.
- 65 5. Inpatient and outpatient nonsurgical diagnostic tests  
66 and procedures.
- 67 6. Physical and occupational therapy services.
- 68 7. Radiology and imaging services.
- 69 8. Prescription drugs.
- 70 9. Services provided through telehealth.

71 (3) A health insurer may offer a shared savings incentive  
72 program to provide incentives to an insured when the insured  
73 obtains a shoppable health care service from the health  
74 insurer's shared savings list. An insured may not be required to  
75 participate in a shared savings incentive program. A health

76 | insurer that offers a shared savings incentive program must:

77 |     (a) Establish the program as a component part of the  
78 | policy, contract, or certificate of insurance provided by the  
79 | health insurer and notify the insureds and the office at least  
80 | 30 days before program termination.

81 |     (b) File a description of the program on a form prescribed  
82 | by the office. The office must review the filing and determine  
83 | whether the shared savings incentive program complies with this  
84 | section.

85 |     (c) Notify an insured annually and at the time of renewal,  
86 | and an applicant for insurance at the time of enrollment, of the  
87 | availability of the shared savings incentive program and the  
88 | procedure to participate in the program.

89 |     (d) Publish on a webpage easily accessible to insureds and  
90 | to applicants for insurance a list of shoppable health care  
91 | services and health care providers and the shared savings  
92 | incentive amount applicable for each service. A shared savings  
93 | incentive may not be less than 25 percent of the savings  
94 | generated by the insured's participation in any shared savings  
95 | incentive offered by the health insurer. The baseline for the  
96 | savings calculation is the average in-network amount paid for  
97 | that service in the most recent 12-month period or some other  
98 | methodology established by the health insurer and approved by  
99 | the Commissioner of Insurance Regulation.

100 |     (e) At least quarterly, credit or deposit the shared

101 savings incentive amount to the insured's account as a return or  
102 reduction in premium, or credit the shared savings incentive  
103 amount to the insured's flexible spending account, health  
104 savings account, or health reimbursement account, such that the  
105 amount does not constitute income to the insured.

106 (f) Submit an annual report to the office within 90  
107 business days after the close of each plan year. At a minimum,  
108 the report must include the following information:

109 1. The number of insureds who participated in the program  
110 during the plan year and the number of instances of  
111 participation.

112 2. The total cost of services provided as a part of the  
113 program.

114 3. The total value of the shared savings incentive  
115 payments made to insureds participating in the program and the  
116 values distributed as premium reductions, credits to flexible  
117 spending accounts, credits to health savings accounts, or  
118 credits to health reimbursement accounts.

119 4. An inventory of the shoppable health care services  
120 offered by the health insurer.

121 (4) (a) A shared savings incentive offered by a health  
122 insurer in accordance with this section:

123 1. Is not an administrative expense for rate development  
124 or rate filing purposes.

125 2. Does not constitute an unfair method of competition or

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126 | an unfair or deceptive act or practice under s. 626.9541 and is  
127 | presumed to be appropriate unless credible data clearly  
128 | demonstrates otherwise.

129 | (b) A shared saving incentive amount provided as a return  
130 | or reduction in premium reduces the health insurer's direct  
131 | written premium by the shared saving incentive dollar amount for  
132 | the purposes of the taxes in ss. 624.509 and 624.5091.

133 | (5) The office may adopt rules necessary to implement and  
134 | enforce this section.

135 | Section 2. This act shall take effect January 1, 2020.