

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 shared savings incentive program; prohibiting
6 a 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 Financial
20 Services Commission to adopt rules; creating s.
21 627.6648, F.S.; providing a short title; providing
22 definitions; authorizing a health insurer to offer a
23 shared savings incentive program; prohibiting a health
24 insurer from requiring an insured's participation in
25 such program; providing procedures and requirements

26 | for a health insurer that offers such program;
 27 | requiring the office to review a health insurer's
 28 | filing; providing a minimum value for a shared savings
 29 | incentive applicable for each shoppable health care
 30 | service; providing the baseline for the savings
 31 | calculation; providing that the shared savings
 32 | incentive amount does not constitute income to the
 33 | insured; providing report requirements; providing that
 34 | a shared savings incentive is not an administrative
 35 | expense for specified purposes; providing tax
 36 | reductions; providing construction; authorizing the
 37 | commission to adopt rules; providing an effective
 38 | date.

39 |

40 | Be It Enacted by the Legislature of the State of Florida:

41 |

42 | Section 1. Section 627.6387, Florida Statutes, is created
 43 | to read:

44 | 627.6387 Shared savings incentive program.—

45 | (1) This section may be cited as the "Patient Savings
 46 | Act."

47 | (2) As used in this section, the term:

48 | (a) "Health care provider" means a hospital or facility
 49 | licensed under chapter 395; an entity licensed under chapter
 50 | 400; a health care practitioner as defined in s. 456.001; a

51 blood bank, plasma center, industrial clinic, or renal dialysis
52 facility; or a professional association, partnership,
53 corporation, joint venture, or other association for
54 professional activity by health care providers. The term
55 includes entities and professionals outside this state with an
56 active, unencumbered license for an equivalent facility or
57 practitioner type issued by another state, the District of
58 Columbia, or a possession or territory of the United States.

59 (b) "Health insurer" means an authorized insurer offering
60 health insurance as defined in s. 624.603 or a health
61 maintenance organization as defined in s. 641.19. The term does
62 not include the state group health insurance program provided
63 under s. 110.123.

64 (c) "Shared savings incentive" means a voluntary and
65 optional financial incentive that a health insurer may provide
66 to an insured for choosing certain shoppable health care
67 services under a shared savings incentive program and may
68 include, but is not limited to, the incentives described in s.
69 626.9541(4)(a).

70 (d) "Shared savings incentive program" means a voluntary
71 and optional incentive program established by a health insurer
72 pursuant to this section.

73 (e) "Shoppable health care service" means a lower-cost,
74 high-quality nonemergency health care service for which a shared
75 savings incentive is available for insureds under a health

76 insurer's shared savings incentive program. Shoppable health
 77 care services may be provided within or outside this state and
 78 include, but are not limited to:

- 79 1. Clinical laboratory services.
- 80 2. Infusion therapy.
- 81 3. Inpatient and outpatient surgical procedures.
- 82 4. Obstetrical and gynecological services.
- 83 5. Inpatient and outpatient nonsurgical diagnostic tests
 84 and procedures.
- 85 6. Physical and occupational therapy services.
- 86 7. Radiology and imaging services.
- 87 8. Prescription drugs.
- 88 9. Services provided through telehealth.

89 (3) A health insurer may offer a shared savings incentive
 90 program to provide incentives to an insured when the insured
 91 obtains a shoppable health care service from the health
 92 insurer's shared savings list. An insured may not be required to
 93 participate in a shared savings incentive program. A health
 94 insurer that offers a shared savings incentive program must:

95 (a) Establish the program as a component part of the
 96 policy, contract, or certificate of insurance provided by the
 97 health insurer and notify the insureds and the office at least
 98 30 days before program termination.

99 (b) File a description of the program on a form prescribed
 100 by the office. The office must review the filing and determine

101 whether the shared savings incentive program complies with this
102 section.

103 (c) Notify an insured annually and at the time of renewal,
104 and an applicant for insurance at the time of enrollment, of the
105 availability of the shared savings incentive program and the
106 procedure to participate in the program.

107 (d) Publish on a webpage easily accessible to insureds and
108 to applicants for insurance a list of shoppable health care
109 services and health care providers and the shared savings
110 incentive amount applicable for each service. A shared savings
111 incentive may not be less than 25 percent of the savings
112 generated by the insured's participation in any shared savings
113 incentive offered by the health insurer. The baseline for the
114 savings calculation is the average in-network amount paid for
115 that service in the most recent 12-month period or some other
116 methodology established by the health insurer and approved by
117 the Commissioner of Insurance Regulation.

118 (e) At least quarterly, credit or deposit the shared
119 savings incentive amount to the insured's account as a return or
120 reduction in premium, or credit the shared savings incentive
121 amount to the insured's flexible spending account, health
122 savings account, or health reimbursement account, such that the
123 amount does not constitute income to the insured.

124 (f) Submit an annual report to the office within 90
125 business days after the close of each plan year. At a minimum,

126 the report must include the following information:

127 1. The number of insureds who participated in the program
128 during the plan year and the number of instances of
129 participation.

130 2. The total cost of services provided as a part of the
131 program.

132 3. The total value of the shared savings incentive
133 payments made to insureds participating in the program and the
134 values distributed as premium reductions, credits to flexible
135 spending accounts, credits to health savings accounts, or
136 credits to health reimbursement accounts.

137 4. An inventory of the shoppable health care services
138 offered by the health insurer.

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

141 1. Is not an administrative expense for rate development
142 or rate filing purposes.

143 2. Does not constitute an unfair method of competition or
144 an unfair or deceptive act or practice under s. 626.9541 and is
145 presumed to be appropriate unless credible data clearly
146 demonstrates otherwise.

147 (b) A shared savings incentive amount provided as a return
148 or reduction in premium reduces the health insurer's direct
149 written premium by the shared savings incentive dollar amount
150 for the purposes of the taxes in ss. 624.509 and 624.5091.

151 (5) The commission may adopt rules necessary to implement
152 and enforce this section.

153 Section 2. Section 627.6648, Florida Statutes, is created
154 to read:

155 627.6648 Shared savings incentive program.—

156 (1) This section may be cited as the "Patient Savings
157 Act."

158 (2) As used in this section, the term:

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165 professional activity by health care providers. The term
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167 active, unencumbered license for an equivalent facility or
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169 Columbia, or a possession or territory of the United States.

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171 health insurance as defined in s. 624.603 or a health
172 maintenance organization as defined in s. 641.19. The term does
173 not include the state group health insurance program provided
174 under s. 110.123.

175 (c) "Shared savings incentive" means a voluntary and

176 optional financial incentive that a health insurer may provide
177 to an insured for choosing certain shoppable health care
178 services under a shared savings incentive program and may
179 include, but is not limited to, the incentives described in s.
180 626.9541(4) (a).

181 (d) "Shared savings incentive program" means a voluntary
182 and optional incentive program established by a health insurer
183 pursuant to this section.

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

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204 participate in a shared savings incentive program. A health
205 insurer that offers a shared savings incentive program must:

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214 (c) Notify an insured annually and at the time of renewal,
215 and an applicant for insurance at the time of enrollment, of the
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218 (d) Publish on a webpage easily accessible to insureds and
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221 incentive amount applicable for each service. A shared savings
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228 the Commissioner of Insurance Regulation.

229 (e) At least quarterly, credit or deposit the shared
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258 (b) A shared savings incentive amount provided as a return
 259 or reduction in premium reduces the health insurer's direct
 260 written premium by the shared savings incentive dollar amount
 261 for the purposes of the taxes in ss. 624.509 and 624.5091.

262 (5) The commission may adopt rules necessary to implement
 263 and enforce this section.

264 Section 3. This act shall take effect January 1, 2020.