A bill to be entitled
An act relating to health insurance savings programs;
creating s. 627.6387, F.S; providing a short title;
providing definitions; authorizing a health insurer to
offer a share savings incentive program; prohibiting a
health insurer from requiring an insured's
participation in such program; providing procedures
and requirements for a health insurer that offers such
program; requiring the Office of Insurance Regulation
to review a health insurer's filing; providing a
minimum value for a shared savings incentive
applicable for each shoppable health care service;
providing the baseline for the savings calculation;
providing that the shared savings incentive amount
does not constitute income to the insured; providing
report requirements; providing that a shared savings
incentive is not an administrative expense for
specified purposes; providing tax reductions;
providing construction; authorizing the office to
adopt rules; providing an effective date.

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

Section 1. Section 627.6387, Florida Statutes, is created
to read:
627.6387 Shared savings incentive program.—

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

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

(a) "Health care provider" means a hospital, a facility
licensed under chapter 395; an entity licensed under chapter
400; a health care practitioner as defined in s. 456.001; a
blood bank, plasma center, industrial clinic, and renal dialysis
facility; or a professional association, partnership,
corporation, joint venture, or other association for
professional activity by health care providers. The term
includes entities and professionals outside this state with an
active, unencumbered license for an equivalent facility or
practitioner type issued by another state, the District of
Columbia, or a possession or territory of the United States.

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

(c) "Shared savings incentive" means a voluntary and
optional financial incentive that a health insurer may provide
to an insured for choosing certain shoppable health care
services under a shared savings incentive program and may
include, but is not limited to, the incentives described in s.
(d) "Shared savings incentive program" means a voluntary and optional incentive program established by a health insurer pursuant to this section.

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

1. Clinical laboratory services.
2. Infusion therapy.
3. Inpatient and outpatient surgical procedures.
4. Obstetrical and gynecological services.
5. Inpatient and outpatient nonsurgical diagnostic tests and procedures.
6. Physical and occupational therapy services.
7. Radiology and imaging services.
8. Prescription drugs.
9. Services provided through telehealth.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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