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 shared 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 Financial
Services Commission to adopt rules; creating s.
627.6648, F.S.; providing a short title; providing
definitions; authorizing a health insurer to offer a
shared 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 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 
commission 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 or 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, or 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. 626.9541(4)(a).

(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 savings incentive amount provided as a return or reduction in premium reduces the health insurer's direct written premium by the shared savings incentive dollar amount for the purposes of the taxes in ss. 624.509 and 624.5091.
(5) The commission may adopt rules necessary to implement and enforce this section.

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

627.6648 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 or 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, or 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.
626.9541(4)(a).

(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.

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

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

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