

By Senator Diaz

36-00918-19

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1                   A bill to be entitled  
2           An act relating to health insurance savings programs;  
3           creating 627.6387, F.S.; providing a short title;  
4           providing definitions; authorizing health insurers and  
5           health maintenance organizations to implement shared  
6           savings incentive programs; providing procedures and  
7           requirements for such programs; providing  
8           construction; providing that a direct written premium  
9           must be reduced by the dollar amount of certain  
10          incentives, for the purpose of certain taxes;  
11          providing website requirements; providing notification  
12          requirements; requiring the Office of Insurance  
13          Regulation to review insurers' filings of their  
14          program descriptions; limiting the amount of annual  
15          savings incentives; authorizing the office to make  
16          rules; providing an effective date.

17  
18 Be It Enacted by the Legislature of the State of Florida:

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20           Section 1. Section 627.6387, Florida Statutes, is created  
21 to read:

22           627.6387 Shared savings incentive program.-

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

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

25           (a) "Contracted amount" means the amount agreed to be paid  
26 by the health insurer pursuant to a policy, contract, or  
27 certificate of insurance to a health care provider for shoppable  
28 health care services covered by the policy, contract, or  
29 certificate of insurance.

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30       (b) "Health care provider" means a hospital, an ambulatory  
31 surgical center, and any other medical facility licensed under  
32 chapter 395; a home health agency licensed under chapter 400; a  
33 physician licensed under chapter 458; a physician assistant  
34 licensed under chapter 458 or chapter 459; an osteopathic  
35 physician licensed under chapter 459; a chiropractic physician  
36 licensed under chapter 460; a podiatric physician licensed under  
37 chapter 461; a naturopath licensed under chapter 462; a nurse  
38 licensed under part I of chapter 464; a dentist licensed under  
39 chapter 466; a midwife licensed under chapter 467; an  
40 occupational therapist licensed under chapter 468; radiological  
41 personnel certified under chapter 468; clinical laboratory  
42 personnel licensed under chapter 483; a physical therapist and a  
43 physical therapist assistant licensed under chapter 486; a blood  
44 bank, plasma center, industrial clinic, and renal dialysis  
45 facility; or a professional association, partnership,  
46 corporation, joint venture, or other association for  
47 professional activity by health care providers.

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

53       (d) "Shared savings incentive" means a voluntary and  
54 optional cash incentive that a health insurer may provide to an  
55 insured for choosing certain shoppable health care services  
56 under a shared savings incentive program and may include, but is  
57 not limited to, the incentives described in s. 626.9541(4)(a).

58       (e) "Shared savings incentive program" means a voluntary

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59 and optional incentive program established by a health insurer  
60 pursuant to this section.

61 (f) "Shoppable health care services" means a nonemergency  
62 health care service for which an insured may receive a shared  
63 savings incentive under a health insurer's shared savings  
64 incentive program. Shoppable health care services include:

- 65 1. Clinical laboratory services.
- 66 2. Infusion therapy.
- 67 3. Inpatient and outpatient surgical procedures.
- 68 4. Obstetrical and gynecological services.
- 69 5. Inpatient and outpatient nonsurgical diagnostic tests  
70 and procedures.
- 71 6. Physical and occupational therapy services.
- 72 7. Radiology and imaging services.
- 73 8. Prescription drugs.
- 74 9. Telehealth services.

75 (3) Notwithstanding any other provision of law, a health  
76 insurer may implement a shared savings incentive program to  
77 provide incentives to an insured when the insured obtains a  
78 shoppable health care service from the health insurer's shared  
79 savings list. The insurer's shared savings incentive list may  
80 include shoppable health care services in and out of this state.

81 (a) An insured is not required to participate in a health  
82 insurer's shared savings incentive program.

83 (b) A health insurer is not required to establish a shared  
84 savings incentive program. A health insurer may terminate a  
85 shared savings incentive program with a 30 days' notice to the  
86 office before termination.

87 (c) If an insured elects to receive a shoppable health care

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88 service from the health insurer's shared savings incentive list,  
89 the health insurer shall deposit into, or shall credit, the  
90 insured's account with the shared savings incentive amount.

91 (d) A shared savings incentive made by a health insurer in  
92 accordance with this section is not an administrative expense  
93 for rate development or rate filing purposes.

94 (e) A shared savings incentive provided to the insured  
95 under this section is deemed a return of premium or a reduction  
96 in premium based on expected claims experience and does not  
97 constitute income to the insured.

98 (f) A health insurer's direct written premium must be  
99 reduced by the dollar amount of the shared savings incentives  
100 provided to the insured under this section for the purposes of  
101 the premium tax in s. 624.509 and the retaliatory tax in s.  
102 624.5091.

103 (4) If a health insurer establishes a shared savings  
104 incentive program, the shared savings incentive program must be  
105 a component part of the policy, contract, or certificate of  
106 insurance provided by the health insurer. Annually and at the  
107 time of enrollment or renewal, a health insurer must notify each  
108 insured of the shared savings incentive program.

109 (5) If a health insurer establishes a shared savings  
110 incentive program, the health insurer must:

111 (a) Provide on its website a method for an insured to  
112 request and obtain information on the contracted amount for  
113 shoppable health care services from a health care provider and  
114 indicate whether a shared savings incentive applies to a  
115 particular shoppable health care service.

116 (b) Notify insureds and applicants for insurance of the

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117 availability of the shared savings incentive program and the  
118 procedure to participate in the program at the time of  
119 enrollment. Thereafter, annually and at the time of renewal, the  
120 health insurer must notify each insured of the shared savings  
121 incentive program.

122 (6) A health insurer must file a description of the shared  
123 savings incentive program on a form prescribed by the office.  
124 The office must review the filing to determine if the shared  
125 savings incentive program complies with this section.

126 (7) A shared savings incentive provided under this section  
127 is presumed to be appropriate unless credible data clearly  
128 demonstrates otherwise; however, shared savings incentives  
129 provided to an insured each year may not exceed 30 percent of  
130 the insured's annual paid premium.

131 (8) The office may adopt rules necessary to implement and  
132 enforce this section.

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