

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u>    </u>	(Y/N)
ADOPTED AS AMENDED	<u>    </u>	(Y/N)
ADOPTED W/O OBJECTION	<u>    </u>	(Y/N)
FAILED TO ADOPT	<u>    </u>	(Y/N)
WITHDRAWN	<u>    </u>	(Y/N)
OTHER	<u>    </u>	

1 Committee/Subcommittee hearing bill: Health Market Reform  
 2 Subcommittee

3 Representative Renner offered the following:

4  
 5 **Amendment (with title amendment)**

6 Remove lines 133-134 and insert:

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

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

11 627.6648 Shared Savings Incentive Program.

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

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

15 (a) "Health care provider" means a hospital, a facility  
 16 licensed under chapter 395; an entity licensed under chapter

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17 400; a health care practitioner as defined in s. 456.001; a  
18 blood bank, plasma center, industrial clinic, and renal dialysis  
19 facility; or a professional association, partnership,  
20 corporation, joint venture, or other association for  
21 professional activity by health care providers. The term  
22 includes entities and professionals outside this state with an  
23 active, unencumbered license for an equivalent facility or  
24 practitioner type issued by another state, the District of  
25 Columbia, or a possession or territory of the United States.

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

31 (c) "Shared savings incentive" means a voluntary and  
32 optional financial incentive that a health insurer may provide  
33 to an insured for choosing certain shoppable health care  
34 services under a shared savings incentive program and may  
35 include, but is not limited to, the incentives described in s.  
36 626.9541(4)(a).

37 (d) "Shared savings incentive program" means a voluntary  
38 and optional incentive program established by a health insurer  
39 pursuant to this section.

40 (e) "Shoppable health care service" means a lower-cost,  
41 high-quality nonemergency health care service for which a shared

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42 savings incentive is available for insureds under a health  
43 insurer's shared savings incentive program. Shoppable health  
44 care services may be provided within or outside this state and  
45 include, but are not limited to:

46 1. Clinical laboratory services.

47 2. Infusion therapy.

48 3. Inpatient and outpatient surgical procedures.

49 4. Obstetrical and gynecological services.

50 5. Inpatient and outpatient nonsurgical diagnostic tests  
51 and procedures.

52 6. Physical and occupational therapy services.

53 7. Radiology and imaging services.

54 8. Prescription drugs.

55 9. Services provided through telehealth.

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

62 (a) Establish the program as a component part of the  
63 policy, contract, or certificate of insurance provided by the  
64 health insurer and notify the insureds and the office at least  
65 30 days before program termination.

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

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

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

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

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

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

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

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

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

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

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

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

114 (b) A shared saving incentive amount provided as a return  
115 or reduction in premium reduces the health insurer's direct

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116 written premium by the shared saving incentive dollar amount for  
117 the purposes of the taxes in ss. 624.509 and 624.5091.

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

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122 **T I T L E A M E N D M E N T**

123 Remove lines 19-20 and insert:

124 providing construction; authorizing the Financial Services  
125 Commission to adopt rules; creating s. 627.6648, F.S.; providing  
126 a short title; providing definitions; authorizing a health  
127 insurer to offer a share savings incentive program; prohibiting  
128 a health insurer from requiring an insured's participation in  
129 such program; providing procedures and requirements for a health  
130 insurer that offers such program; requiring the Office of  
131 Insurance Regulation to review a health insurer's filing;  
132 providing a minimum value for a shared savings incentive  
133 applicable for each shoppable health care service; providing the  
134 baseline for the savings calculation; providing that the shared  
135 savings incentive amount does not constitute income to the  
136 insured; providing report requirements; providing that a shared  
137 savings incentive is not an administrative expense for specified  
138 purposes; providing tax reductions; providing construction;  
139 authorizing the Financial Services Commission to adopt rules;  
140 providing an effective date.