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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/11/2019	.	
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The Committee on Banking and Insurance (Diaz) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

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



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11 licensed under chapter 395; an entity licensed under chapter  
12 400; a health care practitioner as defined in s. 456.001; a  
13 blood bank, plasma center, industrial clinic, and renal dialysis  
14 facility; or a professional association, partnership,  
15 corporation, joint venture, or other association for  
16 professional activity by health care providers. The term  
17 includes entities and professionals outside of this state with  
18 an active, unencumbered license for an equivalent facility or  
19 practitioner type issued by another state, the District of  
20 Columbia, or a possession or territory of the United States.

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

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

32 (d) "Shared savings incentive program" means a voluntary  
33 and optional incentive program established by a health insurer  
34 pursuant to this section.

35 (e) "Shoppable health care service" means a lower-cost,  
36 high-quality nonemergency health care service for which a shared  
37 savings incentive is available for insureds under a health  
38 insurer's shared savings incentive program. Shoppable health  
39 care services may be provided within or outside of this state



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40 and include, but are not limited to:

41 1. Clinical laboratory services.

42 2. Infusion therapy.

43 3. Inpatient and outpatient surgical procedures.

44 4. Obstetrical and gynecological services.

45 5. Inpatient and outpatient nonsurgical diagnostic tests  
46 and procedures.

47 6. Physical and occupational therapy services.

48 7. Radiology and imaging services.

49 8. Prescription drugs.

50 9. Services provided through telehealth.

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

57 (a) Establish the program as a component part of the  
58 policy, contract, or certificate of insurance provided by the  
59 health insurer and notify the insureds and the office at least  
60 30 days before program termination.

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

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



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

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

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

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

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

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



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98 health reimbursement accounts.

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

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

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

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

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

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

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

116  
117 ===== T I T L E A M E N D M E N T =====

118 And the title is amended as follows:

119 Delete everything before the enacting clause  
120 and insert:

121 A bill to be entitled  
122 An act relating to health insurance savings programs;  
123 creating s. 627.6387, F.S.; providing a short title;  
124 defining terms; authorizing health insurers, which  
125 include health maintenance organizations, to offer  
126 shared savings incentive programs to insureds;



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127 providing that insureds are not required to  
128 participate in such programs; specifying requirements  
129 for health insurers offering such programs; requiring  
130 the Office of Insurance Regulation to review filed  
131 descriptions of programs and make a certain  
132 determination; providing notification and account  
133 credit or deposit requirements for insurers;  
134 specifying the minimum shared savings incentive and  
135 the basis for calculating savings; specifying  
136 requirements for annual reports submitted by insurers  
137 to the office; providing construction; providing that  
138 certain shared saving incentive amounts reduce an  
139 insurer's direct written premium for purposes of the  
140 insurance premium tax and the retaliatory tax;  
141 authorizing the Financial Services Commission to adopt  
142 rules; providing an effective date.