

By the Committee on Banking and Insurance; and Senators Diaz and Farmer

597-02919-19

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1 A bill to be entitled  
2 An act relating to health insurance savings programs;  
3 creating s. 627.6387, F.S.; providing a short title;  
4 defining terms; authorizing health insurers, which  
5 include health maintenance organizations, to offer  
6 shared savings incentive programs to insureds;  
7 providing that insureds are not required to  
8 participate in such programs; specifying requirements  
9 for health insurers offering such programs; requiring  
10 the Office of Insurance Regulation to review filed  
11 descriptions of programs and make a certain  
12 determination; providing notification and account  
13 credit or deposit requirements for insurers;  
14 specifying the minimum shared savings incentive and  
15 the basis for calculating savings; specifying  
16 requirements for annual reports submitted by insurers  
17 to the office; providing construction; providing that  
18 certain shared saving incentive amounts reduce an  
19 insurer's direct written premium for purposes of the  
20 insurance premium tax and the retaliatory tax;  
21 authorizing the Financial Services Commission to adopt  
22 rules; providing an effective date.

23  
24 Be It Enacted by the Legislature of the State of Florida:

25  
26 Section 1. Section 627.6387, Florida Statutes, is created  
27 to read:

28 627.6387 Shared savings incentive program.-

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

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

31 (a) "Health care provider" means a hospital, a facility  
32 licensed under chapter 395; an entity licensed under chapter  
33 400; a health care practitioner as defined in s. 456.001; a  
34 blood bank, plasma center, industrial clinic, and renal dialysis  
35 facility; or a professional association, partnership,  
36 corporation, joint venture, or other association for  
37 professional activity by health care providers. The term  
38 includes entities and professionals outside of this state with  
39 an active, unencumbered license for an equivalent facility or  
40 practitioner type issued by another state, the District of  
41 Columbia, or a possession or territory of the United States.

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

47 (c) "Shared savings incentive" means a voluntary and  
48 optional financial incentive that a health insurer may provide  
49 to an insured for choosing certain shoppable health care  
50 services under a shared savings incentive program and may  
51 include, but is not limited to, the incentives described in s.  
52 626.9541(4)(a).

53 (d) "Shared savings incentive program" means a voluntary  
54 and optional incentive program established by a health insurer  
55 pursuant to this section.

56 (e) "Shoppable health care service" means a lower-cost,  
57 high-quality nonemergency health care service for which a shared  
58 savings incentive is available for insureds under a health

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59 insurer's shared savings incentive program. Shoppable health  
60 care services may be provided within or outside of this state  
61 and include, but are not limited to:

62 1. Clinical laboratory services.

63 2. Infusion therapy.

64 3. Inpatient and outpatient surgical procedures.

65 4. Obstetrical and gynecological services.

66 5. Inpatient and outpatient nonsurgical diagnostic tests  
67 and procedures.

68 6. Physical and occupational therapy services.

69 7. Radiology and imaging services.

70 8. Prescription drugs.

71 9. Services provided through telehealth.

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

78 (a) Establish the program as a component part of the  
79 policy, contract, or certificate of insurance provided by the  
80 health insurer and notify the insureds and the office at least  
81 30 days before program termination.

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

86 (c) Notify an insured annually and at the time of renewal,  
87 and an applicant for insurance at the time of enrollment, of the

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88 availability of the shared savings incentive program and the  
89 procedure to participate in the program.

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

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

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

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

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

115 3. The total value of the shared savings incentive payments  
116 made to insureds participating in the program and the values

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117 distributed as premium reductions, credits to flexible spending  
118 accounts, credits to health savings accounts, or credits to  
119 health reimbursement accounts.

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

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

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

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

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

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

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