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LEGISLATIVE ACTION

Senate

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House

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Appropriations Subcommittee on Health and Human Services (Rader)  
recommended the following:

1           **Senate Amendment to Amendment (441796) (with title**  
2 **amendment)**

3  
4           Delete lines 2315 - 2424  
5 and insert:

6           627.6387, Florida Statutes, are amended, and paragraph (g)  
7 is added to subsection (3) of that section, to read:

8           627.6387 Shared savings incentive program.—

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

10           (e) "Shoppable health care service" means a lower-cost,



588700

11 high-quality nonemergency health care service for which a shared  
12 savings incentive is available for insureds under a health  
13 insurer's shared savings incentive program. Shoppable health  
14 care services may be provided within or outside this state and  
15 include, but are not limited to:

- 16 1. Clinical laboratory services.
- 17 2. Infusion therapy.
- 18 3. Inpatient and outpatient surgical procedures.
- 19 4. Obstetrical and gynecological services.
- 20 5. Inpatient and outpatient nonsurgical diagnostic tests  
21 and procedures.

- 22 6. Physical and occupational therapy services.
- 23 7. Radiology and imaging services.
- 24 8. Prescription drugs.
- 25 9. Services provided through telehealth.
- 26 10. Any additional services published by the Agency for  
27 Health Care Administration that have the most significant price  
28 variation pursuant to s. 408.05(3)(1).

29 (3) A health insurer may offer a shared savings incentive  
30 program to provide incentives to an insured when the insured  
31 obtains a shoppable health care service from the health  
32 insurer's shared savings list. An insured may not be required to  
33 participate in a shared savings incentive program. A health  
34 insurer that offers a shared savings incentive program must:

- 35 (e) At least quarterly, credit or deposit the shared  
36 savings incentive amount to the insured's account as a return or  
37 reduction in premium, ~~or~~ credit the shared savings incentive  
38 amount to the insured's flexible spending account, health  
39 savings account, or health reimbursement account, or reward the



588700

40 insured directly with cash or a cash equivalent ~~such that the~~  
41 ~~amount does not constitute income to the insured.~~

42 (g) If a health insurer offers cash or a cash equivalent,  
43 provide the insured with a document approved by the commission  
44 which explains the shared savings incentive in plain language  
45 and which must include the following statement in 12-point bold  
46 type:

47  
48 I UNDERSTAND THAT IF I RECEIVE CASH OR A CASH EQUIVALENT,  
49 IT COUNTS AS INCOME TO ME AND MAY CAUSE ME TO OWE MORE INCOME  
50 TAX. I ALSO UNDERSTAND THAT IF I RECEIVE INCOME-BASED BENEFITS,  
51 THESE BENEFITS MAY BE AFFECTED IF I RECEIVE CASH OR A CASH  
52 EQUIVALENT FROM THE SHARED SAVINGS PROGRAM.

53 Section 52. Effective January 1, 2021, paragraph (e) of  
54 subsection (2) and paragraph (e) of subsection (3) of section  
55 627.6648, Florida Statutes, are amended, and paragraph (g) is  
56 added to subsection (3) of that section, to read:

57 627.6648 Shared savings incentive program.—

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

59 (e) "Shoppable health care service" means a lower-cost,  
60 high-quality nonemergency health care service for which a shared  
61 savings incentive is available for insureds under a health  
62 insurer's shared savings incentive program. Shoppable health  
63 care services may be provided within or outside this state and  
64 include, but are not limited to:

- 65 1. Clinical laboratory services.
- 66 2. Infusion therapy.
- 67 3. Inpatient and outpatient surgical procedures.
- 68 4. Obstetrical and gynecological services.



588700

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. Services provided through telehealth.

75           10. Any additional services published by the Agency for  
76 Health Care Administration that have the most significant price  
77 variation pursuant to s. 408.05(3)(1).

78           (3) A health insurer may offer a shared savings incentive  
79 program to provide incentives to an insured when the insured  
80 obtains a shoppable health care service from the health  
81 insurer's shared savings list. An insured may not be required to  
82 participate in a shared savings incentive program. A health  
83 insurer that offers a shared savings incentive program must:

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

91           (g) If a health insurer offers cash or a cash equivalent,  
92 provide the insured with a document approved by the commission  
93 which explains the shared savings incentive in plain language  
94 and which must include the following statement in 12-point bold  
95 type:

96  
97           I UNDERSTAND THAT IF I RECEIVE CASH OR A CASH EQUIVALENT,



588700

98 IT COUNTS AS INCOME TO ME AND MAY CAUSE ME TO OWE MORE INCOME  
99 TAX. I ALSO UNDERSTAND THAT IF I RECEIVE INCOME-BASED BENEFITS,  
100 THESE BENEFITS MAY BE AFFECTED IF I RECEIVE CASH OR A CASH  
101 EQUIVALENT FROM THE SHARED SAVINGS PROGRAM.

102 Section 53. Effective January 1, 2021, paragraph (e) of  
103 subsection (2) and paragraph (e) of subsection (3) of section  
104 641.31076, Florida Statutes, are amended, and paragraph (g) is  
105 added to subsection (3) of that section, to read:

106 641.31076 Shared savings incentive program.—

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

108 (e) "Shoppable health care service" means a lower-cost,  
109 high-quality nonemergency health care service for which a shared  
110 savings incentive is available for subscribers under a health  
111 maintenance organization's shared savings incentive program.  
112 Shoppable health care services may be provided within or outside  
113 this state and include, but are not limited to:

114 1. Clinical laboratory services.  
115 2. Infusion therapy.  
116 3. Inpatient and outpatient surgical procedures.  
117 4. Obstetrical and gynecological services.  
118 5. Inpatient and outpatient nonsurgical diagnostic tests  
119 and procedures.

120 6. Physical and occupational therapy services.

121 7. Radiology and imaging services.

122 8. Prescription drugs.

123 9. Services provided through telehealth.

124 10. Any additional services published by the Agency for  
125 Health Care Administration that have the most significant price  
126 variation pursuant to s. 408.05(3)(1).



588700

127 (3) A health maintenance organization may offer a shared  
128 savings incentive program to provide incentives to a subscriber  
129 when the subscriber obtains a shoppable health care service from  
130 the health maintenance organization's shared savings list. A  
131 subscriber may not be required to participate in a shared  
132 savings incentive program. A health maintenance organization  
133 that offers a shared savings incentive program must:

134 (e) At least quarterly, credit or deposit the shared  
135 savings incentive amount to the subscriber's account as a return  
136 or reduction in premium, ~~or~~ credit the shared savings incentive  
137 amount to the subscriber's flexible spending account, health  
138 savings account, or health reimbursement account, or reward the  
139 subscriber directly with cash or a cash equivalent ~~such that the~~  
140 ~~amount does not constitute income to the subscriber.~~

141 (g) If a health maintenance organization offers cash or a  
142 cash equivalent, provide the subscriber with a document approved  
143 by the commission which explains the shared savings incentive in  
144 plain language and which must include the following statement in  
145 12-point bold type:

146  
147 I UNDERSTAND THAT IF I RECEIVE CASH OR A CASH  
148 EQUIVALENT, IT COUNTS AS INCOME TO ME AND MAY CAUSE ME  
149 TO OWE MORE INCOME TAX. I ALSO UNDERSTAND THAT IF I  
150 RECEIVE INCOME-BASED BENEFITS, THESE BENEFITS MAY BE  
151 AFFECTED IF I RECEIVE CASH OR A CASH EQUIVALENT FROM  
152 THE SHARED SAVINGS PROGRAM.

153  
154 ===== T I T L E A M E N D M E N T =====  
155 And the title is amended as follows:



588700

156           Delete line 2699  
157 and insert:  
158           and health maintenance organizations; requiring  
159           certain health insurers and health maintenance  
160           organizations to provide to insureds and subscribers a  
161           specified document under certain circumstances;  
162           providing requirements for the content of the  
163           document; repealing part I