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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/25/2020	.	
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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,



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



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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.



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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,



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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).



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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:



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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