

By the Committee on Governmental Oversight and Accountability;
and Senator Bean

585-03764-20

20201836c1

1 A bill to be entitled
2 An act relating to health insurance benefits; amending
3 s. 408.05, F.S.; requiring the Agency for Health Care
4 Administration to publish by a specified date an
5 annual report identifying certain health care
6 services; amending ss. 627.6387, 627.6648, and
7 641.31076, F.S.; revising the definition of the term
8 "shoppable health care service"; revising duties of
9 certain health insurers and health maintenance
10 organizations; providing an effective date.

11
12 Be It Enacted by the Legislature of the State of Florida:

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14 Section 1. Paragraph (1) is added to subsection (3) of
15 section 408.05, Florida Statutes, to read:

16 408.05 Florida Center for Health Information and
17 Transparency.—

18 (3) HEALTH INFORMATION TRANSPARENCY.—In order to
19 disseminate and facilitate the availability of comparable and
20 uniform health information, the agency shall perform the
21 following functions:

22 (1) By July 1 of each year, publish a report identifying
23 the health care services with the most significant price
24 variation both statewide and regionally.

25 Section 2. Paragraph (e) of subsection (2) and paragraph
26 (e) of subsection (3) of section 627.6387, Florida Statutes, are
27 amended to read:

28 627.6387 Shared savings incentive program.—

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

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

- 36 1. Clinical laboratory services.
- 37 2. Infusion therapy.
- 38 3. Inpatient and outpatient surgical procedures.
- 39 4. Obstetrical and gynecological services.
- 40 5. Inpatient and outpatient nonsurgical diagnostic tests
41 and procedures.
- 42 6. Physical and occupational therapy services.
- 43 7. Radiology and imaging services.
- 44 8. Prescription drugs.
- 45 9. Services provided through telehealth.
- 46 10. Any additional services published by the Agency for
47 Health Care Administration that have the most significant price
48 variation pursuant to s. 408.05(3)(1).

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

55 (e) At least quarterly, credit or deposit the shared
56 savings incentive amount to the insured's account as a return or
57 reduction in premium, ~~or~~ credit the shared savings incentive
58 amount to the insured's flexible spending account, health

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59 savings account, or health reimbursement account, or reward the
60 insured directly with cash or a cash equivalent ~~such that the~~
61 ~~amount does not constitute income to the insured.~~

62 Section 3. Paragraph (e) of subsection (2) and paragraph
63 (e) of subsection (3) of section 627.6648, Florida Statutes, are
64 amended to read:

65 627.6648 Shared savings incentive program.—

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

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

- 73 1. Clinical laboratory services.
- 74 2. Infusion therapy.
- 75 3. Inpatient and outpatient surgical procedures.
- 76 4. Obstetrical and gynecological services.
- 77 5. Inpatient and outpatient nonsurgical diagnostic tests
78 and procedures.
- 79 6. Physical and occupational therapy services.
- 80 7. Radiology and imaging services.
- 81 8. Prescription drugs.
- 82 9. Services provided through telehealth.
- 83 10. Any additional services published by the Agency for
84 Health Care Administration that have the most significant price
85 variation pursuant to s. 408.05(3)(1).

86 (3) A health insurer may offer a shared savings incentive
87 program to provide incentives to an insured when the insured

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88 obtains a shoppable health care service from the health
89 insurer's shared savings list. An insured may not be required to
90 participate in a shared savings incentive program. A health
91 insurer that offers a shared savings incentive program must:

92 (e) At least quarterly, credit or deposit the shared
93 savings incentive amount to the insured's account as a return or
94 reduction in premium, ~~or~~ credit the shared savings incentive
95 amount to the insured's flexible spending account, health
96 savings account, or health reimbursement account, or reward the
97 insured directly with cash or a cash equivalent ~~such that the~~
98 ~~amount does not constitute income to the insured.~~

99 Section 4. Paragraph (e) of subsection (2) and paragraph
100 (e) of subsection (3) of section 641.31076, Florida Statutes,
101 are amended to read:

102 641.31076 Shared savings incentive program.—

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

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

- 110 1. Clinical laboratory services.
- 111 2. Infusion therapy.
- 112 3. Inpatient and outpatient surgical procedures.
- 113 4. Obstetrical and gynecological services.
- 114 5. Inpatient and outpatient nonsurgical diagnostic tests
115 and procedures.
- 116 6. Physical and occupational therapy services.

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117 7. Radiology and imaging services.

118 8. Prescription drugs.

119 9. Services provided through telehealth.

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

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

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

137 Section 5. This act shall take effect January 1, 2021.