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Proposed Committee Substitute by the Committee on Appropriations
(Appropriations Subcommittee on Agriculture, Environment, and
General Government)

A bill to be entitled

An act relating to health care cost savings; amending
ss. 627.6387, 627.6648, and 641.31076, F.S.; revising
the definition of the term "shoppable health care
service" to include certain items and services
specified in federal regulation; requiring, rather
than authorizing, health insurers and health
maintenance organizations, respectively, to offer
shared savings incentive programs; providing an
effective date.

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

Section 1. Paragraph (e) of subsection (2) and subsection
(3) of section 627.6387, Florida Statutes, are amended to read:
627.6387 Shared savings incentive program.-

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

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

1. Clinical laboratory services.
2. Infusion therapy.
3. Inpatient and outpatient surgical procedures.



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- 27 4. Obstetrical and gynecological services.
- 28 5. Inpatient and outpatient nonsurgical diagnostic tests
29 and procedures.
- 30 6. Physical and occupational therapy services.
- 31 7. Radiology and imaging services.
- 32 8. Prescription drugs.
- 33 9. Services provided through telehealth.
- 34 10. Any additional services published by the Agency for
35 Health Care Administration that have the most significant price
36 variation pursuant to s. 408.05(3)(m).
- 37 11. The items and services listed in Table 1-500 Items and
38 Services List as published in Volume 85, No. 219 of the Federal
39 Register, pages 72182-72190 (2020).
- 40 (3) A health insurer shall ~~may~~ offer a shared savings
41 incentive program to provide incentives to an insured when the
42 insured obtains a shoppable health care service from the health
43 insurer's shared savings list. An insured may not be required to
44 participate in a shared savings incentive program. A health
45 insurer that offers a shared savings incentive program must:
- 46 (a) Establish the program as a component part of the policy
47 or certificate of insurance provided by the health insurer and
48 notify the insureds and the office at least 30 days before
49 program termination.
- 50 (b) File a description of the program on a form prescribed
51 by commission rule. The office must review the filing and
52 determine whether the shared savings incentive program complies
53 with this section.
- 54 (c) Notify an insured annually and at the time of renewal,
55 and an applicant for insurance at the time of enrollment, of the



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56 availability of the shared savings incentive program and the
57 procedure to participate in the program.

58 (d) Publish on a web page easily accessible to insureds and
59 to applicants for insurance a list of shoppable health care
60 services and health care providers and the shared savings
61 incentive amount applicable for each service. A shared savings
62 incentive may not be less than 25 percent of the savings
63 generated by the insured's participation in any shared savings
64 incentive offered by the health insurer. The baseline for the
65 savings calculation is the average in-network amount paid for
66 that service in the most recent 12-month period or some other
67 methodology established by the health insurer and approved by
68 the office.

69 (e) At least quarterly, credit or deposit the shared
70 savings incentive amount to the insured's account as a return or
71 reduction in premium, or credit the shared savings incentive
72 amount to the insured's flexible spending account, health
73 savings account, or health reimbursement account, or reward the
74 insured directly with cash or a cash equivalent.

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

78 1. The number of insureds who participated in the program
79 during the plan year and the number of instances of
80 participation.

81 2. The total cost of services provided as a part of the
82 program.

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



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85 distributed as premium reductions, credits to flexible spending
86 accounts, credits to health savings accounts, or credits to
87 health reimbursement accounts.

88 4. An inventory of the shoppable health care services
89 offered by the health insurer.

90 Section 2. Paragraph (e) of subsection (2) and subsection
91 (3) of section 627.6648, Florida Statutes, are amended to read:

92 627.6648 Shared savings incentive program.—

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

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

- 100 1. Clinical laboratory services.
- 101 2. Infusion therapy.
- 102 3. Inpatient and outpatient surgical procedures.
- 103 4. Obstetrical and gynecological services.
- 104 5. Inpatient and outpatient nonsurgical diagnostic tests
105 and procedures.
- 106 6. Physical and occupational therapy services.
- 107 7. Radiology and imaging services.
- 108 8. Prescription drugs.
- 109 9. Services provided through telehealth.
- 110 10. Any additional services published by the Agency for
111 Health Care Administration that have the most significant price
112 variation pursuant to s. 408.05(3)(m).
- 113 11. The items and services listed in Table 1-500 Items and



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114 Services List as published in Volume 85, No. 219 of the Federal
115 Register, pages 72182-72190 (2020).

116 (3) A health insurer shall ~~may~~ offer a shared savings
117 incentive program to provide incentives to an insured when the
118 insured obtains a shoppable health care service from the health
119 insurer's shared savings list. An insured may not be required to
120 participate in a shared savings incentive program. A health
121 insurer that offers a shared savings incentive program must:

122 (a) Establish the program as a component part of the policy
123 or certificate of insurance provided by the health insurer and
124 notify the insureds and the office at least 30 days before
125 program termination.

126 (b) File a description of the program on a form prescribed
127 by commission rule. The office must review the filing and
128 determine whether the shared savings incentive program complies
129 with this section.

130 (c) Notify an insured annually and at the time of renewal,
131 and an applicant for insurance at the time of enrollment, of the
132 availability of the shared savings incentive program and the
133 procedure to participate in the program.

134 (d) Publish on a web page easily accessible to insureds and
135 to applicants for insurance a list of shoppable health care
136 services and health care providers and the shared savings
137 incentive amount applicable for each service. A shared savings
138 incentive may not be less than 25 percent of the savings
139 generated by the insured's participation in any shared savings
140 incentive offered by the health insurer. The baseline for the
141 savings calculation is the average in-network amount paid for
142 that service in the most recent 12-month period or some other



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143 methodology established by the health insurer and approved by
144 the office.

145 (e) At least quarterly, credit or deposit the shared
146 savings incentive amount to the insured's account as a return or
147 reduction in premium, or credit the shared savings incentive
148 amount to the insured's flexible spending account, health
149 savings account, or health reimbursement account, or reward the
150 insured directly with cash or a cash equivalent.

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

154 1. The number of insureds who participated in the program
155 during the plan year and the number of instances of
156 participation.

157 2. The total cost of services provided as a part of the
158 program.

159 3. The total value of the shared savings incentive payments
160 made to insureds participating in the program and the values
161 distributed as premium reductions, credits to flexible spending
162 accounts, credits to health savings accounts, or credits to
163 health reimbursement accounts.

164 4. An inventory of the shoppable health care services
165 offered by the health insurer.

166 Section 3. Paragraph (e) of subsection (2) and subsection
167 (3) of section 641.31076, Florida Statutes, are amended to read:
168 641.31076 Shared savings incentive program.—

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

170 (e) "Shoppable health care service" means a lower-cost,
171 high-quality nonemergency health care service for which a shared



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172 savings incentive is available for subscribers under a health
173 maintenance organization's shared savings incentive program.
174 Shoppable health care services may be provided within or outside
175 this state and include, but are not limited to:

- 176 1. Clinical laboratory services.
- 177 2. Infusion therapy.
- 178 3. Inpatient and outpatient surgical procedures.
- 179 4. Obstetrical and gynecological services.
- 180 5. Inpatient and outpatient nonsurgical diagnostic tests
181 and procedures.
- 182 6. Physical and occupational therapy services.
- 183 7. Radiology and imaging services.
- 184 8. Prescription drugs.
- 185 9. Services provided through telehealth.
- 186 10. Any additional services published by the Agency for
187 Health Care Administration that have the most significant price
188 variation pursuant to s. 408.05(3)(m).
- 189 11. The items and services listed in Table 1-500 Items and
190 Services List as published in Volume 85, No. 219 of the Federal
191 Register, pages 72182-72190 (2020).

192 (3) A health maintenance organization shall ~~may~~ offer a
193 shared savings incentive program to provide incentives to a
194 subscriber when the subscriber obtains a shoppable health care
195 service from the health maintenance organization's shared
196 savings list. A subscriber may not be required to participate in
197 a shared savings incentive program. A health maintenance
198 organization that offers a shared savings incentive program
199 must:

- 200 (a) Establish the program as a component part of the



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201 contract of coverage provided by the health maintenance
202 organization and notify the subscribers and the office at least
203 30 days before program termination.

204 (b) File a description of the program on a form prescribed
205 by commission rule. The office must review the filing and
206 determine whether the shared savings incentive program complies
207 with this section.

208 (c) Notify a subscriber annually and at the time of
209 renewal, and an applicant for coverage at the time of
210 enrollment, of the availability of the shared savings incentive
211 program and the procedure to participate in the program.

212 (d) Publish on a web page easily accessible to subscribers
213 and to applicants for coverage a list of shoppable health care
214 services and health care providers and the shared savings
215 incentive amount applicable for each service. A shared savings
216 incentive may not be less than 25 percent of the savings
217 generated by the subscriber's participation in any shared
218 savings incentive offered by the health maintenance
219 organization. The baseline for the savings calculation is the
220 average in-network amount paid for that service in the most
221 recent 12-month period or some other methodology established by
222 the health maintenance organization and approved by the office.

223 (e) At least quarterly, credit or deposit the shared
224 savings incentive amount to the subscriber's account as a return
225 or reduction in premium, or credit the shared savings incentive
226 amount to the subscriber's flexible spending account, health
227 savings account, or health reimbursement account, or reward the
228 subscriber directly with cash or a cash equivalent.

229 (f) Submit an annual report to the office within 90



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230 business days after the close of each plan year. At a minimum,
231 the report must include the following information:

232 1. The number of subscribers who participated in the
233 program during the plan year and the number of instances of
234 participation.

235 2. The total cost of services provided as a part of the
236 program.

237 3. The total value of the shared savings incentive payments
238 made to subscribers participating in the program and the values
239 distributed as premium reductions, credits to flexible spending
240 accounts, credits to health savings accounts, or credits to
241 health reimbursement accounts.

242 4. An inventory of the shoppable health care services
243 offered by the health maintenance organization.

244 Section 4. This act shall take effect July 1, 2022.