



799080

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/13/2022	.	
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Appropriations Subcommittee on Agriculture, Environment, and  
General Government (Brodeur) recommended the following:

**Senate Amendment (with directory and title amendments)**

Between lines 35 and 36

insert:

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



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11           (a) Establish the program as a component part of the policy  
12 or certificate of insurance provided by the health insurer and  
13 notify the insureds and the office at least 30 days before  
14 program termination.

15           (b) File a description of the program on a form prescribed  
16 by commission rule. The office must review the filing and  
17 determine whether the shared savings incentive program complies  
18 with this section.

19           (c) Notify an insured annually and at the time of renewal,  
20 and an applicant for insurance at the time of enrollment, of the  
21 availability of the shared savings incentive program and the  
22 procedure to participate in the program.

23           (d) Publish on a web page easily accessible to insureds and  
24 to applicants for insurance a list of shoppable health care  
25 services and health care providers and the shared savings  
26 incentive amount applicable for each service. A shared savings  
27 incentive may not be less than 25 percent of the savings  
28 generated by the insured's participation in any shared savings  
29 incentive offered by the health insurer. The baseline for the  
30 savings calculation is the average in-network amount paid for  
31 that service in the most recent 12-month period or some other  
32 methodology established by the health insurer and approved by  
33 the office.

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



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

43 1. The number of insureds who participated in the program  
44 during the plan year and the number of instances of  
45 participation.

46 2. The total cost of services provided as a part of the  
47 program.

48 3. The total value of the shared savings incentive payments  
49 made to insureds participating in the program and the values  
50 distributed as premium reductions, credits to flexible spending  
51 accounts, credits to health savings accounts, or credits to  
52 health reimbursement accounts.

53 4. An inventory of the shoppable health care services  
54 offered by the health insurer.

55 Section 2. Paragraph (e) of subsection (2) and subsection  
56 (3) of section 627.6648, Florida Statutes, are amended 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)(m).

78           11. The items and services listed in Table 1-500 Items and  
79 Services List as published in Volume 85, No. 219 of the Federal  
80 Register, pages 72182-72190 (2020).

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

87           (a) Establish the program as a component part of the policy  
88 or certificate of insurance provided by the health insurer and  
89 notify the insureds and the office at least 30 days before  
90 program termination.

91           (b) File a description of the program on a form prescribed  
92 by commission rule. The office must review the filing and  
93 determine whether the shared savings incentive program complies  
94 with this section.

95           (c) Notify an insured annually and at the time of renewal,  
96 and an applicant for insurance at the time of enrollment, of the  
97 availability of the shared savings incentive program and the



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98 procedure to participate in the program.

99 (d) Publish on a web page easily accessible to insureds and  
100 to applicants for insurance a list of shoppable health care  
101 services and health care providers and the shared savings  
102 incentive amount applicable for each service. A shared savings  
103 incentive may not be less than 25 percent of the savings  
104 generated by the insured's participation in any shared savings  
105 incentive offered by the health insurer. The baseline for the  
106 savings calculation is the average in-network amount paid for  
107 that service in the most recent 12-month period or some other  
108 methodology established by the health insurer and approved by  
109 the office.

110 (e) At least quarterly, credit or deposit the shared  
111 savings incentive amount to the insured's account as a return or  
112 reduction in premium, or credit the shared savings incentive  
113 amount to the insured's flexible spending account, health  
114 savings account, or health reimbursement account, or reward the  
115 insured directly with cash or a cash equivalent.

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

119 1. The number of insureds who participated in the program  
120 during the plan year and the number of instances of  
121 participation.

122 2. The total cost of services provided as a part of the  
123 program.

124 3. The total value of the shared savings incentive payments  
125 made to insureds participating in the program and the values  
126 distributed as premium reductions, credits to flexible spending



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127 accounts, credits to health savings accounts, or credits to  
128 health reimbursement accounts.

129 4. An inventory of the shoppable health care services  
130 offered by the health insurer.

131 Section 3. Paragraph (e) of subsection (2) and subsection  
132 (3) of section 641.31076, Florida Statutes, are amended to read:

133 641.31076 Shared savings incentive program.—

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

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

141 1. Clinical laboratory services.

142 2. Infusion therapy.

143 3. Inpatient and outpatient surgical procedures.

144 4. Obstetrical and gynecological services.

145 5. Inpatient and outpatient nonsurgical diagnostic tests  
146 and procedures.

147 6. Physical and occupational therapy services.

148 7. Radiology and imaging services.

149 8. Prescription drugs.

150 9. Services provided through telehealth.

151 10. Any additional services published by the Agency for  
152 Health Care Administration that have the most significant price  
153 variation pursuant to s. 408.05(3) (m).

154 11. The items and services listed in Table 1-500 Items and  
155 Services List as published in Volume 85, No. 219 of the Federal



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156 Register, pages 72182-72190 (2020).

157 (3) A health maintenance organization shall ~~may~~ offer a  
158 shared savings incentive program to provide incentives to a  
159 subscriber when the subscriber obtains a shoppable health care  
160 service from the health maintenance organization's shared  
161 savings list. A subscriber may not be required to participate in  
162 a shared savings incentive program. A health maintenance  
163 organization that offers a shared savings incentive program  
164 must:

165 (a) Establish the program as a component part of the  
166 contract of coverage provided by the health maintenance  
167 organization and notify the subscribers and the office at least  
168 30 days before program termination.

169 (b) File a description of the program on a form prescribed  
170 by commission rule. The office must review the filing and  
171 determine whether the shared savings incentive program complies  
172 with this section.

173 (c) Notify a subscriber annually and at the time of  
174 renewal, and an applicant for coverage at the time of  
175 enrollment, of the availability of the shared savings incentive  
176 program and the procedure to participate in the program.

177 (d) Publish on a web page easily accessible to subscribers  
178 and to applicants for coverage a list of shoppable health care  
179 services and health care providers and the shared savings  
180 incentive amount applicable for each service. A shared savings  
181 incentive may not be less than 25 percent of the savings  
182 generated by the subscriber's participation in any shared  
183 savings incentive offered by the health maintenance  
184 organization. The baseline for the savings calculation is the



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185 average in-network amount paid for that service in the most  
186 recent 12-month period or some other methodology established by  
187 the health maintenance organization and approved by the office.

188 (e) At least quarterly, credit or deposit the shared  
189 savings incentive amount to the subscriber's account as a return  
190 or reduction in premium, or credit the shared savings incentive  
191 amount to the subscriber's flexible spending account, health  
192 savings account, or health reimbursement account, or reward the  
193 subscriber directly with cash or a cash equivalent.

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

197 1. The number of subscribers who participated in the  
198 program during the plan year and the number of instances of  
199 participation.

200 2. The total cost of services provided as a part of the  
201 program.

202 3. The total value of the shared savings incentive payments  
203 made to subscribers participating in the program and the values  
204 distributed as premium reductions, credits to flexible spending  
205 accounts, credits to health savings accounts, or credits to  
206 health reimbursement accounts.

207 4. An inventory of the shoppable health care services  
208 offered by the health maintenance organization.

209  
210 ===== D I R E C T O R Y C L A U S E A M E N D M E N T =====

211 And the directory clause is amended as follows:

212 Delete lines 10 - 11

213 and insert:





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214           Section 1. Paragraph (e) of subsection (2) and subsection  
215 (3) of section 627.6387, Florida Statutes, are amended to read:

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217 ===== T I T L E   A M E N D M E N T =====

218 And the title is amended as follows:

219           Delete lines 3 - 5

220 and insert:

221           ss. 627.6387, 627.6648, and 641.31076, F.S.; revising  
222           the definition of the term "shoppable health care  
223           service" to include certain items and services  
224           specified in federal regulation; requiring, rather  
225           than authorizing, health insurers and health  
226           maintenance organizations, respectively, to offer  
227           shared savings incentive programs;