

By Senator Diaz

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1 A bill to be entitled
2 An act relating to health insurance savings programs;
3 creating 627.6387, F.S.; providing a short title;
4 providing definitions; authorizing health insurers and
5 health maintenance organizations to implement shared
6 savings incentive programs; providing procedures and
7 requirements for such programs; providing
8 construction; providing that a direct written premium
9 must be reduced by the dollar amount of certain
10 incentives, for the purpose of certain taxes;
11 providing website requirements; providing notification
12 requirements; requiring the Office of Insurance
13 Regulation to review insurers' filings of their
14 program descriptions; limiting the amount of annual
15 savings incentives; authorizing the office to make
16 rules; providing an effective date.

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

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20 Section 1. Section 627.6387, Florida Statutes, is created
21 to read:

22 627.6387 Shared savings incentive program.-

23 (1) This section may be cited as the "Patient Savings Act."

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

25 (a) "Contracted amount" means the amount agreed to be paid
26 by the health insurer pursuant to a policy, contract, or
27 certificate of insurance to a health care provider for shoppable
28 health care services covered by the policy, contract, or
29 certificate of insurance.

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30 (b) "Health care provider" means a hospital, an ambulatory
31 surgical center, and any other medical facility licensed under
32 chapter 395; a home health agency licensed under chapter 400; a
33 physician licensed under chapter 458; a physician assistant
34 licensed under chapter 458 or chapter 459; an osteopathic
35 physician licensed under chapter 459; a chiropractic physician
36 licensed under chapter 460; a podiatric physician licensed under
37 chapter 461; a naturopath licensed under chapter 462; a nurse
38 licensed under part I of chapter 464; a dentist licensed under
39 chapter 466; a midwife licensed under chapter 467; an
40 occupational therapist licensed under chapter 468; radiological
41 personnel certified under chapter 468; clinical laboratory
42 personnel licensed under chapter 483; a physical therapist and a
43 physical therapist assistant licensed under chapter 486; a blood
44 bank, plasma center, industrial clinic, and renal dialysis
45 facility; or a professional association, partnership,
46 corporation, joint venture, or other association for
47 professional activity by health care providers.

48 (c) "Health insurer" means an authorized insurer offering
49 health insurance as defined in s. 624.603 or a health
50 maintenance organization as defined in s. 641.19. The term does
51 not include the state group health insurance program provided
52 under s. 110.123.

53 (d) "Shared savings incentive" means a voluntary and
54 optional cash incentive that a health insurer may provide to an
55 insured for choosing certain shoppable health care services
56 under a shared savings incentive program and may include, but is
57 not limited to, the incentives described in s. 626.9541(4) (a).

58 (e) "Shared savings incentive program" means a voluntary

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59 and optional incentive program established by a health insurer
60 pursuant to this section.

61 (f) "Shoppable health care services" means a nonemergency
62 health care service for which an insured may receive a shared
63 savings incentive under a health insurer's shared savings
64 incentive program. Shoppable health care services include:

65 1. Clinical laboratory services.

66 2. Infusion therapy.

67 3. Inpatient and outpatient surgical procedures.

68 4. Obstetrical and gynecological services.

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. Telehealth services.

75 (3) Notwithstanding any other provision of law, a health
76 insurer may implement a shared savings incentive program to
77 provide incentives to an insured when the insured obtains a
78 shoppable health care service from the health insurer's shared
79 savings list. The insurer's shared savings incentive list may
80 include shoppable health care services in and out of this state.

81 (a) An insured is not required to participate in a health
82 insurer's shared savings incentive program.

83 (b) A health insurer is not required to establish a shared
84 savings incentive program. A health insurer may terminate a
85 shared savings incentive program with a 30 days' notice to the
86 office before termination.

87 (c) If an insured elects to receive a shoppable health care

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88 service from the health insurer's shared savings incentive list,
89 the health insurer shall deposit into, or shall credit, the
90 insured's account with the shared savings incentive amount.

91 (d) A shared savings incentive made by a health insurer in
92 accordance with this section is not an administrative expense
93 for rate development or rate filing purposes.

94 (e) A shared savings incentive provided to the insured
95 under this section is deemed a return of premium or a reduction
96 in premium based on expected claims experience and does not
97 constitute income to the insured.

98 (f) A health insurer's direct written premium must be
99 reduced by the dollar amount of the shared savings incentives
100 provided to the insured under this section for the purposes of
101 the premium tax in s. 624.509 and the retaliatory tax in s.
102 624.5091.

103 (4) If a health insurer establishes a shared savings
104 incentive program, the shared savings incentive program must be
105 a component part of the policy, contract, or certificate of
106 insurance provided by the health insurer. Annually and at the
107 time of enrollment or renewal, a health insurer must notify each
108 insured of the shared savings incentive program.

109 (5) If a health insurer establishes a shared savings
110 incentive program, the health insurer must:

111 (a) Provide on its website a method for an insured to
112 request and obtain information on the contracted amount for
113 shoppable health care services from a health care provider and
114 indicate whether a shared savings incentive applies to a
115 particular shoppable health care service.

116 (b) Notify insureds and applicants for insurance of the

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117 availability of the shared savings incentive program and the
118 procedure to participate in the program at the time of
119 enrollment. Thereafter, annually and at the time of renewal, the
120 health insurer must notify each insured of the shared savings
121 incentive program.

122 (6) A health insurer must file a description of the shared
123 savings incentive program on a form prescribed by the office.
124 The office must review the filing to determine if the shared
125 savings incentive program complies with this section.

126 (7) A shared savings incentive provided under this section
127 is presumed to be appropriate unless credible data clearly
128 demonstrates otherwise; however, shared savings incentives
129 provided to an insured each year may not exceed 30 percent of
130 the insured's annual paid premium.

131 (8) The office may adopt rules necessary to implement and
132 enforce this section.

133 Section 2. This act shall take effect January 1, 2020.