



799080

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/12/2022	.	
	.	
	.	
	.	

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:



799080

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.



799080

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.



799080

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



799080

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



799080

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



799080

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



799080

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:



799080

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

216

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;