

1                                   A bill to be entitled  
 2           An act relating to wellness or health improvement  
 3           programs; amending s. 626.9541, F.S.; authorizing insurers  
 4           to offer a voluntary wellness or health improvement  
 5           program and to encourage or reward participation in the  
 6           program by offering rewards or incentives to health  
 7           benefit plan members; authorizing insurers to require plan  
 8           members not participating in the wellness or health  
 9           improvement programs to provide verification that their  
 10          medical condition warrants nonparticipation in order for  
 11          the nonparticipants to receive rewards or incentives;  
 12          requiring that the reward or incentive be disclosed in the  
 13          policy or certificate; amending s. 641.3903, F.S.;  
 14          providing for a wellness or health improvement program;  
 15          providing authorization to offer certain rewards or  
 16          incentives for participation; authorizing verification of  
 17          a nonparticipant's medical condition; requiring that the  
 18          reward or incentive be disclosed in the policy or  
 19          certificate; providing an effective date.

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

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 23           Section 1. Subsection (4) is added to section 626.9541,  
 24 Florida Statutes, to read:

25           626.9541 Unfair methods of competition and unfair or  
 26 deceptive acts or practices defined.—

27           (4) WELLNESS OR HEALTH IMPROVEMENT PROGRAMS.—

28        (a) Authorization to offer rewards or incentives for  
29 participation.—An insurer issuing a group or individual health  
30 benefit plan may offer a voluntary wellness or health  
31 improvement program and may encourage or reward participation in  
32 the program by authorizing rewards or incentives, including, but  
33 not limited to, merchandise, gift cards, debit cards, premium  
34 discounts or rebates, contributions to a member's health savings  
35 account, or modifications to copayment, deductible, or  
36 coinsurance amounts. Any advertisement of the program is not  
37 subject to the limitations set forth in paragraph (1)(m).

38        (b) Verification of medical condition by nonparticipants.—  
39 An insurer may require a health benefit plan member to provide  
40 verification, such as an affirming statement from the member's  
41 physician, that the member's medical condition makes it  
42 unreasonably difficult or inadvisable to participate in the  
43 wellness or health improvement program in order for that  
44 nonparticipant to receive the reward or incentive.

45        (c) Disclosure requirement.—Any reward or incentive  
46 offered under this subsection shall be disclosed in the policy  
47 or certificate.

48        (d) Other incentives.—This subsection does not prohibit  
49 insurers from offering other incentives or rewards for adherence  
50 to a wellness or health improvement program if otherwise  
51 authorized by state or federal law.

52        Section 2. Subsection (15) is added to section 641.3903,  
53 Florida Statutes, to read:

54        641.3903 Unfair methods of competition and unfair or  
55 deceptive acts or practices defined.—The following are defined

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56 as unfair methods of competition and unfair or deceptive acts or  
57 practices:

58 (15) EXCEPTION FOR WELLNESS OR HEALTH IMPROVEMENT  
59 PROGRAMS.—

60 (a) Authorization to offer rewards or incentives for  
61 participation.—A health maintenance organization issuing a group  
62 or individual health benefit plan may offer a voluntary wellness  
63 or health improvement program and may encourage or reward  
64 participation in the program by authorizing rewards or  
65 incentives, including, but not limited to, merchandise, gift  
66 cards, debit cards, premium discounts or rebates, contributions  
67 to a member's health savings account, or modifications to  
68 copayment, deductible, or coinsurance amounts.

69 (b) Verification of medical condition by nonparticipants.—  
70 A health maintenance organization may require a health benefit  
71 plan member to provide verification, such as an affirming  
72 statement from the member's physician, that the member's medical  
73 condition makes it unreasonably difficult or inadvisable to  
74 participate in the wellness or health improvement program.

75 (c) Disclosure required for legality.—A reward or  
76 incentive offered under this subsection is not a violation of  
77 this section if the program is disclosed in the contract or  
78 certificate.

79 (d) Other incentives.—This subsection does not prohibit a  
80 health maintenance organization from offering other incentives  
81 or rewards for adherence to a wellness or health improvement  
82 program if otherwise authorized by state or federal law.

83 Section 3. This act shall take effect July 1, 2011.