

ENROLLED

CS/CS/HB 445, Engrossed 1

2011 Legislature

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

19
 20 Be It Enacted by the Legislature of the State of Florida:

21
 22 Section 1. Subsection (4) is added to section 626.9541,
 23 Florida Statutes, to read:

24 626.9541 Unfair methods of competition and unfair or
 25 deceptive acts or practices defined.—

26 (4) PARTICIPATION IN A WELLNESS OR HEALTH IMPROVEMENT
 27 PROGRAM.—

28 (a) Authorization to offer rewards or incentives for

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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, contributions to a member's health savings account,
 35 or modifications to copayment, deductible, or coinsurance
 36 amounts. Any advertisement of the program is not subject to the
 37 limitations set forth in paragraph (1) (m).

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

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

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

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

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

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

59 | (15) PARTICIPATION IN A WELLNESS OR HEALTH IMPROVEMENT
 60 | PROGRAM.—

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

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

78 | (c) Disclosure requirement.—A reward or incentive offered
 79 | under this subsection shall be disclosed in the policy or
 80 | certificate.

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

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