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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/13/2011	.	
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The Committee on Banking and Insurance (Fasano) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause and insert:

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

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

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

(a) Authorization to offer rewards or incentives for participation.—An insurer issuing a group or individual health



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13 benefit plan may offer a voluntary wellness or health  
14 improvement program and may encourage or reward participation in  
15 the program by authorizing rewards or incentives, including, but  
16 not limited to, merchandise, gift cards, debit cards, premium  
17 discounts, contributions to a member's health savings account,  
18 or modifications to copayment, deductible, or coinsurance  
19 amounts. Any advertisement of the program is not subject to the  
20 limitations set forth in paragraph (1)(m).

21 (b) Verification of medical condition by nonparticipants  
22 due to medical condition.—An insurer may require a member of a  
23 health benefit plan to provide verification, such as an  
24 affirming statement from the member's physician, that the  
25 member's medical condition makes it unreasonably difficult or  
26 inadvisable to participate in the wellness or health improvement  
27 program in order for that nonparticipant to receive the reward  
28 or incentive.

29 (c) Disclosure requirement.—A reward or incentive offered  
30 under this subsection shall be disclosed in the policy or  
31 certificate.

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

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

38 641.3903 Unfair methods of competition and unfair or  
39 deceptive acts or practices defined.—The following are defined  
40 as unfair methods of competition and unfair or deceptive acts or  
41 practices:



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42           (15) PARTICIPATION IN A WELLNESS OR HEALTH IMPROVEMENT  
43 PROGRAM.—

44           (a) Authorization to offer rewards or incentives for  
45 participation.—A health maintenance organization issuing a group  
46 or individual health benefit plan may offer a voluntary wellness  
47 or health improvement program and may encourage or reward  
48 participation in the program by authorizing rewards or  
49 incentives, including, but not limited to, merchandise, gift  
50 cards, debit cards, premium discounts, contributions to a  
51 member's health savings account, or modifications to copayment,  
52 deductible, or coinsurance amounts.

53           (b) Verification of medical condition by nonparticipants  
54 due to medical condition.—A health maintenance organization may  
55 require a member of a health benefit plan to provide  
56 verification, such as an affirming statement from the member's  
57 physician, that the member's medical condition makes it  
58 unreasonably difficult or inadvisable to participate in the  
59 wellness or health improvement program in order for that  
60 nonparticipant to receive the reward or incentive.

61           (c) Disclosure requirement.—A reward or incentive offered  
62 under this subsection shall be disclosed in the policy or  
63 certificate.

64           (d) Other incentives.—This subsection does not prohibit  
65 health maintenance organizations from offering other incentives  
66 or rewards for adherence to a wellness or health improvement  
67 program if otherwise authorized by state or federal law.

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

69  
70 ===== T I T L E   A M E N D M E N T =====



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71 And the title is amended as follows:

72 Delete everything before the enacting clause  
73 and insert:

74 A bill to be entitled

75 An act relating to wellness or health improvement  
76 programs; amending ss. 626.9541 and 641.3903, F.S.;  
77 authorizing insurers and health maintenance  
78 organizations to offer a voluntary wellness or health  
79 improvement program and to encourage or reward  
80 participation in the program by offering rewards or  
81 incentives to members; authorizing insurers and health  
82 maintenance organizations to require plan members not  
83 participating in the wellness or health improvement  
84 programs to provide verification that their medical  
85 condition warrants nonparticipation in order for the  
86 nonparticipants to receive rewards or incentives;  
87 requiring that the reward or incentive be disclosed in  
88 the policy or certificate; providing that the act does  
89 not prohibit insurers or health maintenance  
90 organizations from offering other incentives or  
91 rewards for adherence to a wellness or health  
92 improvement program; providing an effective date.