

By Senator Gaetz

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1 A bill to be entitled
2 An act relating to wellness or health improvement
3 programs; amending s. 626.9541, F.S.; authorizing
4 insurers to offer rewards or incentives to health
5 benefit plan members to encourage or reward
6 participation in wellness or health improvement
7 programs; authorizing insurers to require plan members
8 not participating in programs to provide verification
9 that their medical condition warrants
10 nonparticipation; providing application; providing an
11 effective date.

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

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

17 626.9541 Unfair methods of competition and unfair or
18 deceptive acts or practices defined.—

19 (4) WELLNESS OR HEALTH IMPROVEMENT PROGRAMS.—

20 (a) Authorization to offer rewards or incentives for
21 participation.—An insurer issuing a group or individual health
22 benefit plan may offer a voluntary wellness or health
23 improvement program and may encourage or reward participation in
24 the program by authorizing rewards or incentives, including, but
25 not limited to, merchandise, gift cards, debit cards, premium
26 discounts or rebates, contributions to a member's health savings
27 account, or modifications to copayment, deductible, or
28 coinsurance amounts.

29 (b) Verification of medical condition by nonparticipants.—

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30 An insurer may require a health benefit plan member to provide
31 verification, such as an affirming statement from the member's
32 physician, that the member's medical condition makes it
33 unreasonably difficult or inadvisable to participate in the
34 wellness or health improvement program.

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36 A reward or incentive offered under this subsection is not a
37 violation of this section if it is disclosed in the policy or
38 certificate. This subsection does not prohibit insurers from
39 offering other incentives or rewards for adherence to a wellness
40 or health improvement program if otherwise authorized by state
41 or federal law.

42 Section 2. This act shall take effect July 1, 2011.