

By the Committees on Banking and Insurance; and Health Regulation; and Senator Gaetz

597-04389-11

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

20
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) PARTICIPATION IN A WELLNESS OR HEALTH IMPROVEMENT
28 PROGRAM.—

29 (a) Authorization to offer rewards or incentives for

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

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

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

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

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

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

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59 practices:

60 (15) PARTICIPATION IN A WELLNESS OR HEALTH IMPROVEMENT
61 PROGRAM.—62 (a) Authorization to offer rewards or incentives for
63 participation.—A health maintenance organization issuing a group
64 or individual health benefit plan may offer a voluntary wellness
65 or health improvement program and may encourage or reward
66 participation in the program by authorizing rewards or
67 incentives, including, but not limited to, merchandise, gift
68 cards, debit cards, premium discounts, contributions to a
69 member's health savings account, or modifications to copayment,
70 deductible, or coinsurance amounts.71 (b) Verification of medical condition by nonparticipants
72 due to medical condition.—A health maintenance organization may
73 require a member of a health benefit plan to provide
74 verification, such as an affirming statement from the member's
75 physician, that the member's medical condition makes it
76 unreasonably difficult or inadvisable to participate in the
77 wellness or health improvement program in order for that
78 nonparticipant to receive the reward or incentive.79 (c) Disclosure requirement.—A reward or incentive offered
80 under this subsection shall be disclosed in the policy or
81 certificate.82 (d) Other incentives.—This subsection does not prohibit
83 health maintenance organizations from offering other incentives
84 or rewards for adherence to a wellness or health improvement
85 program if otherwise authorized by state or federal law.

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