

Amendment No.

CHAMBER ACTION

Senate

House

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Representative Ingram offered the following:

Amendment (with title amendment)

Remove 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 benefit plan may offer a voluntary wellness or health improvement program and may encourage or reward participation in the program by authorizing rewards or incentives, including, but not limited to, merchandise, gift cards, debit cards, premium

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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:

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

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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.
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T I T L E A M E N D M E N T

Remove the entire title and insert:

A bill to be entitled

An act relating to wellness or health improvement programs; amending ss. 626.9541 and 641.3903, F.S.; authorizing insurers and health maintenance organizations to offer a voluntary wellness or health improvement program and to encourage or reward participation in the program by offering rewards or incentives to members; authorizing insurers and health maintenance organizations to require plan members not participating in the wellness or health improvement programs to provide verification that their medical condition warrants nonparticipation in order for the nonparticipants to receive rewards or incentives; requiring that the reward or incentive be disclosed in the policy or certificate; providing that the act does not prohibit insurers or health maintenance organizations from offering other incentives or rewards for adherence to a wellness or health improvement program; providing an effective date.