

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

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

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

16 626.9541 Unfair methods of competition and unfair or  
 17 deceptive acts or practices defined.—

18 (4) WELLNESS OR HEALTH IMPROVEMENT PROGRAMS.—

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

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28           (b) Verification of medical condition by nonparticipants.—  
29 An insurer may require a health benefit plan member to provide  
30 verification, such as an affirming statement from the member's  
31 physician, that the member's medical condition makes it  
32 unreasonably difficult or inadvisable to participate in the  
33 wellness or health improvement program.

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

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