

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

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

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

24 626.9541 Unfair methods of competition and unfair or
 25 deceptive acts or practices defined.—

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

28 (a) Authorization to offer rewards or incentives for

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

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

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

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

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

55 641.3903 Unfair methods of competition and unfair or
56 deceptive acts or practices defined.—The following are defined

57 as unfair methods of competition and unfair or deceptive acts or
58 practices:

59 (15) PARTICIPATION IN A WELLNESS OR HEALTH IMPROVEMENT
60 PROGRAM.—

61 (a) Authorization to offer rewards or incentives for
62 participation.—A health maintenance organization issuing a group
63 or individual health benefit plan may offer a voluntary wellness
64 or health improvement program and may encourage or reward
65 participation in the program by authorizing rewards or
66 incentives, including, but not limited to, merchandise, gift
67 cards, debit cards, premium discounts, contributions to a
68 member's health savings account, or modifications to copayment,
69 deductible, or coinsurance amounts.

70 (b) Verification of medical condition by nonparticipants
71 due to medical condition.—A health maintenance organization may
72 require a member of a health benefit plan to provide
73 verification, such as an affirming statement from the member's
74 physician, that the member's medical condition makes it
75 unreasonably difficult or inadvisable to participate in the
76 wellness or health improvement program in order for that
77 nonparticipant to receive the reward or incentive.

78 (c) Disclosure requirement.—A reward or incentive offered
79 under this subsection shall be disclosed in the policy or
80 certificate.

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

CS/CS/HB 445, Engrossed 1

2011

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