

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

SENATE BILL 912

By: Seifried

AS INTRODUCED

An Act relating to the Oklahoma Right to Shop Act; amending Section 2, Chapter 151, O.S.L. 2022 and Section 3, Chapter 151, O.S.L. 2022 (36 O.S. Supp. 2022, Sections 6060.41 and 6060.42), which relate to definitions and shared savings incentive program; defining term; establishing provisions of program; conforming language; updating statutory reference; providing for codification; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY Section 2, Chapter 151, O.S.L. 2022 (36 O.S. Supp. 2022, Section 6060.41), is amended to read as follows:

Section 6060.41. As used in the Oklahoma Right to Shop Act:

1. "Allowed amount" means the contractually agreed-upon amount paid by a carrier to a health care entity participating in the network of the carrier;

2. "Comparable health care service" means any covered nonemergency health care service or bundle of services. The Insurance Commissioner may limit what is considered a comparable health care service if an insurance carrier can demonstrate allowed

1 amount variation among network providers is less than Fifty Dollars  
2 (\$50.00);

3 3. "Health benefit plan" means any plan as defined in  
4 subsection C of Section 6060.4 of ~~Title 36 of the Oklahoma Statutes~~  
5 this title;

6 4. "Health care entity" means a physician, hospital,  
7 pharmaceutical company, pharmacist, laboratory, or other provider of  
8 health care services that is licensed in this state;

9 5. "Insurance carrier" or "carrier" means an insurance company  
10 that issues policies of accident and health insurance and is  
11 licensed to sell insurance in this state;

12 ~~5.~~ 6. "Shared savings incentive" means a voluntary and optional  
13 financial incentive that an insurance carrier may provide to an  
14 enrollee for choosing certain health care services under a shared  
15 savings incentive program; and

16 ~~6.~~ 7. "Shared savings incentive program" or "program" means a  
17 voluntary and optional incentive program established by an insurance  
18 carrier pursuant to this act.

19 SECTION 2. AMENDATORY Section 3, Chapter 151, O.S.L.  
20 2022 (36 O.S. Supp. 2022, Section 6060.42), is amended to read as  
21 follows:

22 Section 6060.42. A. An insurance carrier, offering a health  
23 benefit plan in this state in the individual or group insurance  
24 market, except plans where enrollees receive a premium subsidy under

1 the federal Patient Protection and Affordable Care Act, may offer a  
2 shared savings incentive program to provide incentives to an  
3 enrollee when the enrollee obtains a comparable health care service  
4 that is covered by the carrier from providers that charge less than  
5 the average allowed amount paid by that carrier to network providers  
6 for that, comparable health care service.

7 B. Incentives may be calculated as a percentage of the  
8 difference in allowed amounts to the average, as a flat dollar  
9 amount, or by any other reasonable methodology approved by the  
10 Insurance Department. The carrier shall provide the incentive as a  
11 cash payment to the enrollee or credit toward the annual in-network  
12 deductible and out-of-pocket limit of the enrollee. Carriers may  
13 allow enrollees to select which method the enrollee prefers to  
14 receive the incentive.

15 C. An insurance carrier that offers a shared savings incentive  
16 program shall:

17 1. Establish the program as a component part of the policy or  
18 certificate of insurance provided by the carrier and notify the  
19 enrollees and the Insurance Department at least thirty (30) days  
20 before program termination;

21 2. File a description of the program on a form prescribed by  
22 the Insurance Commissioner. The Insurance Department shall review  
23 the filing and determine whether the program complies with the  
24 provisions of this section;

1           3. Notify an enrollee, annually or at the time of renewal, of  
2 the availability of the shared savings incentive program and the  
3 procedures to participate in the program;

4           4. Publish on the website of the insurance carrier, easily  
5 accessible to enrollees and applicants for insurance, a list of  
6 comparable health care services and health care providers and the  
7 shared savings incentive amount applicable for each service. A  
8 shared savings incentive shall not be less than twenty-five percent  
9 (25%) of the savings generated by the participation of the enrollee  
10 in any shared savings incentive program offered by the insurance  
11 carrier. The baseline for the savings calculation shall be the  
12 average in-network amount paid for that service in the most recent  
13 twelve-month period or any other methodology established by the  
14 insurance carrier and approved by the Insurance Department;

15           5. At least quarterly, credit, deposit or make a cash payment  
16 to an enrollee of the shared savings incentive amount pursuant to  
17 participation in the shared savings incentive program; and

18           6. Submit an annual report to the Insurance Department within  
19 ninety (90) days after the close of each health benefit plan year.  
20 At a minimum, the report shall include the following information:

- 21           a. the number of enrollees who participated in the  
22                program during the health benefit plan year and the  
23                number of instances of participation,

1           b. the total cost of services provided as a part of the  
2           program, and

3           c. the total value of the shared savings incentive  
4           payments made to enrollees participating in the  
5           program and the values distributed as cash or credit  
6           toward the annual in-network deductible and out-of-  
7           pocket limit of an enrollee.

8           D. An enrollee shall not be required to participate in a shared  
9 savings incentive program.

10          SECTION 3. This act shall become effective November 1, 2023.

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