

1 **SENATE FLOOR VERSION**

2 February 27, 2025

3 SENATE BILL NO. 1048

4 By: Grellner, Jett, Frix,
5 Bergstrom, and Murdock of
6 the Senate

7 and

8 Lepak, Moore, and Luttrell
9 of the House

10 An Act relating to shared savings incentive program;
11 amending Sections 2 and 3, Chapter 151, O.S.L. 2022
12 (36 O.S. Supp. 2024, Sections 6060.41 and 6060.42);
13 modifying definitions; requiring insurance carriers
14 to offer certain programs; modifying average allowed
15 amounts; modifying incentive calculations; requiring
16 carriers to provide certain information upon request;
17 updating statutory reference; and providing an
18 effective date.

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

20 SECTION 1. AMENDATORY Section 2, Chapter 151, O.S.L.
21 2022 (36 O.S. Supp. 2024, Section 6060.41), is amended to read as
22 follows:

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

24 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;

1 2. "Average allowed amount" means the mean of all allowed
2 amounts paid for a comparable health care service;

3 3. "Comparable health care service" means any covered
4 nonemergency health care service or bundle of services. ~~The~~
5 ~~Insurance Commissioner may limit what is considered a comparable~~
6 ~~health care service if an insurance carrier can demonstrate allowed~~
7 ~~amount variation among network providers is less than Fifty Dollars~~
8 ~~(\$50.00);~~

9 ~~3.~~ 4. "Health benefit plan" means any plan as defined in
10 subsection C of Section 6060.4 of Title 36 of the Oklahoma Statutes;

11 ~~4.~~ 5. "Insurance carrier" or "carrier" means an insurance
12 company that issues policies of accident and health insurance and is
13 licensed to sell insurance in this state;

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

18 ~~6.~~ 7. "Shared savings incentive program" means a ~~voluntary and~~
19 ~~optional~~ an incentive program established by an insurance carrier
20 pursuant to ~~this act~~ the Oklahoma Right to Shop Act.

21 SECTION 2. AMENDATORY Section 3, Chapter 151, O.S.L.
22 2022 (36 O.S. Supp. 2024, Section 6060.42), is amended to read as
23 follows:
24

1 Section 6060.42. A. An insurance carrier ~~may~~ shall 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. If a provider's allowed
7 amount is less than the average allowed amount paid by the carrier,
8 the provider shall not participate in the shared savings incentive
9 program unless the provider agrees to accept an amount less than the
10 allowed amount.

11 B. If an enrollee of a health benefit plan elects to receive a
12 covered comparable health care service from a provider who is not
13 participating in the carrier's network and agrees to accept an
14 amount less than the average allowed amount, the carrier shall
15 ensure that:

16 1. The enrollee's financial liability is no greater than the
17 in-network deductible, copay, and coinsurance amounts as dictated in
18 the health benefit plan contract; and

19 2. Calculation of coinsurance liability is based on the amount
20 negotiated by the enrollee and his or her provider as long as the
21 calculated amount is less than the average allowed amount.

22 C. Incentives ~~may~~ shall be calculated as a percentage of the
23 difference in allowed amounts to the average, ~~as a flat dollar~~
24 ~~amount, or by any other reasonable methodology approved by the~~

1 ~~Insurance Department~~ allowed amount paid by a carrier for a
2 comparable health care service. If an enrollee elected to receive a
3 covered comparable health care service from a provider who is not
4 participating in the carrier's network, the incentive shall be
5 calculated as a percentage of the difference in average allowed
6 amount to the amount agreed upon between the enrollee and provider,
7 as long as the amount is less than the average allowed amount. The
8 carrier shall provide the incentive as a ~~cash payment to the~~
9 ~~enrollee or~~ credit toward the annual in-network deductible and out-
10 of-pocket limit of the enrollee. ~~Carriers may allow enrollees to~~
11 ~~select which method the enrollee prefers to receive the incentive.~~

12 ~~C.~~ D. An insurance carrier that offers a shared savings
13 incentive program shall:

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

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

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

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

12 5. Upon request by an enrollee, provide the average allowed
13 amount for a covered comparable health care service;

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

18 ~~6.~~ 7. Submit an annual report to the Insurance Department
19 within ninety (90) days after the close of each health benefit plan
20 year. At a minimum, the report shall include the following
21 information:

22 a. the number of enrollees who participated in the
23 program during the health benefit plan year and the
24 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.~~ E. An enrollee shall not be required to participate in a
9 shared savings incentive program.

10 SECTION 3. This act shall become effective November 1, 2025.

11 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS AND INSURANCE
12 February 27, 2025 - DO PASS