

STATE OF OKLAHOMA

1st Session of the 60th Legislature (2025)

SENATE BILL 1048

By: Bullard

AS INTRODUCED

An Act relating to shared savings incentive program; amending Sections 2 and 3, Chapter 151, O.S.L. 2022 (36 O.S. Supp. 2024, Sections 6060.41 and 6060.42); modifying definitions; requiring insurance carriers to offer certain programs; modifying average allowed amounts; modifying incentive calculations; requiring carriers to provide certain information upon request; updating statutory reference; 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. 2024, 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. "Average allowed amount" means the mean of all allowed amounts paid for a comparable health care service;

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

7        ~~3.~~ 4. "Health benefit plan" means any plan as defined in  
8 subsection C of Section 6060.4 of Title 36 of the Oklahoma Statutes;

9        ~~4.~~ 5. "Insurance carrier" or "carrier" means an insurance  
10 company 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~~ shall provide to  
14 an enrollee for choosing certain health care services under a shared  
15 savings incentive program; and

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

19        SECTION 2.        AMENDATORY        Section 3, Chapter 151, O.S.L.  
20 2022 (36 O.S. Supp. 2024, Section 6060.42), is amended to read as  
21 follows:

22        Section 6060.42. A. An insurance carrier ~~may~~ shall offer a  
23 shared savings incentive program to provide incentives to an  
24 enrollee when the enrollee obtains a comparable health care service

1 that is covered by the carrier from providers that charge less than  
2 the average allowed amount paid by that carrier to network providers  
3 for that, comparable health care service. If a provider's allowed  
4 amount is less than the average allowed amount paid by the carrier,  
5 the provider shall not participate in the shared savings incentive  
6 program unless the provider agrees to accept an amount less than the  
7 allowed amount.

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

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

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

19 C. Incentives ~~may~~ shall be calculated as a percentage of the  
20 difference in allowed amounts to the average, ~~as a flat dollar~~  
21 amount, ~~or by any other reasonable methodology approved by the~~  
22 ~~Insurance Department~~ allowed amount paid by a carrier for a  
23 comparable health care service. If an enrollee elected to receive a  
24 covered comparable health care service from a provider who is not

1 participating in the carrier's network, the incentive shall be  
2 calculated as a percentage of the difference in average allowed  
3 amount to the amount agreed upon between the enrollee and provider,  
4 as long as the amount is less than the average allowed amount. The  
5 carrier shall provide the incentive as a ~~cash payment to the~~  
6 ~~enrollee or~~ credit toward the annual in-network deductible and out-  
7 of-pocket limit of the enrollee. ~~Carriers may allow enrollees to~~  
8 ~~select which method the enrollee prefers to receive the incentive.~~

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

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

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

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

22 4. Publish on the website of the insurance carrier, easily  
23 accessible to enrollees and applicants for insurance, a list of  
24 comparable health care services and health care providers and the

1 shared savings incentive amount applicable for each service. A  
2 shared savings incentive shall not be less than twenty-five percent  
3 (25%) of the savings generated by the participation of the enrollee  
4 in any shared savings incentive program offered by the insurance  
5 carrier. The baseline for the savings calculation shall be the  
6 average in-network amount paid for that service in the most recent  
7 twelve-month period ~~or any other methodology established by the~~  
8 ~~insurance carrier and approved by the Insurance Department;~~

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

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

15 ~~6.~~ 7. Submit an annual report to the Insurance Department  
16 within ninety (90) days after the close of each health benefit plan  
17 year. At a minimum, the report shall include the following  
18 information:

- 19 a. the number of enrollees who participated in the  
20 program during the health benefit plan year and the  
21 number of instances of participation,
- 22 b. the total cost of services provided as a part of the  
23 program, and

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

6 ~~D.~~ E. An enrollee shall not be required to participate in a  
7 shared savings incentive program.

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

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