

SUBSTITUTE FOR  
SENATE BILL NO. 848

A bill to amend 1956 PA 218, entitled  
"The insurance code of 1956,"  
(MCL 500.100 to 500.8302) by adding section 3426.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1        SEC. 3426. (1) EACH INSURER PROVIDING A GROUP EXPENSE-INCURRED  
2 HOSPITAL, MEDICAL, OR SURGICAL CERTIFICATE DELIVERED, ISSUED FOR  
3 DELIVERY, OR RENEWED IN THIS STATE AND EACH HEALTH MAINTENANCE  
4 ORGANIZATION MAY OFFER GROUP WELLNESS COVERAGE. WELLNESS COVERAGE  
5 MAY PROVIDE FOR AN APPROPRIATE REBATE OR REDUCTION IN PREMIUMS OR  
6 FOR REDUCED COPAYMENTS, COINSURANCE, OR DEDUCTIBLES, OR A  
7 COMBINATION OF THESE INCENTIVES, FOR PARTICIPATION IN ANY HEALTH  
8 BEHAVIOR WELLNESS, MAINTENANCE, OR IMPROVEMENT PROGRAM OFFERED BY  
9 THE EMPLOYER. THE EMPLOYER SHALL PROVIDE EVIDENCE OF DEMONSTRATIVE

1 MAINTENANCE OR IMPROVEMENT OF THE INSURED'S OR ENROLLEES' HEALTH  
2 BEHAVIORS AS DETERMINED BY ASSESSMENTS OF AGREED-UPON HEALTH STATUS  
3 INDICATORS BETWEEN THE EMPLOYER AND THE HEALTH INSURER OR HEALTH  
4 MAINTENANCE ORGANIZATION. ANY REBATE OF PREMIUM PROVIDED BY THE  
5 HEALTH INSURER OR HEALTH MAINTENANCE ORGANIZATION IS PRESUMED TO BE  
6 APPROPRIATE UNLESS CREDIBLE DATA DEMONSTRATE OTHERWISE, BUT SHALL  
7 NOT EXCEED 10% OF PAID PREMIUMS. EACH INSURER AND EACH HEALTH  
8 MAINTENANCE ORGANIZATION SHALL MAKE AVAILABLE TO EMPLOYERS ALL  
9 WELLNESS COVERAGE PLANS THAT THE INSURER OR HEALTH MAINTENANCE  
10 ORGANIZATION MARKETS TO EMPLOYERS IN THIS STATE.

11 (2) EACH INSURER PROVIDING AN INDIVIDUAL OR FAMILY EXPENSE-  
12 INCURRED HOSPITAL, MEDICAL, OR SURGICAL POLICY DELIVERED, ISSUED  
13 FOR DELIVERY, OR RENEWED IN THIS STATE AND EACH HEALTH MAINTENANCE  
14 ORGANIZATION MAY OFFER INDIVIDUAL AND FAMILY WELLNESS COVERAGE.  
15 WELLNESS COVERAGE MAY PROVIDE FOR AN APPROPRIATE REBATE OR  
16 REDUCTION IN PREMIUMS OR FOR REDUCED COPAYMENTS, COINSURANCE, OR  
17 DEDUCTIBLES, OR A COMBINATION OF THESE INCENTIVES, FOR  
18 PARTICIPATION IN ANY HEALTH BEHAVIOR WELLNESS, MAINTENANCE, OR  
19 IMPROVEMENT PROGRAM APPROVED BY THE INSURER OR HEALTH MAINTENANCE  
20 ORGANIZATION. THE INSURED OR ENROLLEE SHALL PROVIDE EVIDENCE OF  
21 DEMONSTRATIVE MAINTENANCE OR IMPROVEMENT OF THE INDIVIDUAL'S OR  
22 FAMILY'S HEALTH BEHAVIORS AS DETERMINED BY ASSESSMENTS OF AGREED-  
23 UPON HEALTH STATUS INDICATORS BETWEEN THE INSURED OR ENROLLEE AND  
24 THE HEALTH INSURER OR HEALTH MAINTENANCE ORGANIZATION. ANY REBATE  
25 OF PREMIUM PROVIDED BY THE HEALTH INSURER OR HEALTH MAINTENANCE  
26 ORGANIZATION IS PRESUMED TO BE APPROPRIATE UNLESS CREDIBLE DATA  
27 DEMONSTRATE OTHERWISE, BUT SHALL NOT EXCEED 10% OF PAID PREMIUMS.

1 EACH INSURER AND EACH HEALTH MAINTENANCE ORGANIZATION SHALL MAKE  
2 AVAILABLE TO INDIVIDUALS AND FAMILIES ALL WELLNESS COVERAGE PLANS  
3 THAT THE INSURER OR HEALTH MAINTENANCE ORGANIZATION MARKETS TO  
4 INDIVIDUALS AND FAMILIES IN THIS STATE.

5 (3) AN INSURER AND A HEALTH MAINTENANCE ORGANIZATION ARE NOT  
6 REQUIRED TO CONTINUE ANY HEALTH BEHAVIOR WELLNESS, MAINTENANCE, OR  
7 IMPROVEMENT PROGRAM OR TO CONTINUE ANY INCENTIVE ASSOCIATED WITH A  
8 HEALTH BEHAVIOR WELLNESS, MAINTENANCE, OR IMPROVEMENT PROGRAM.

9 Enacting section 1. This amendatory act takes effect January  
10 1, 2007.

11 Enacting section 2. It is only the intent of this amendatory  
12 act to promote the availability of health behavior wellness,  
13 maintenance, and improvement programs.