

**§4318-A. Comparable health care service incentive program**

Beginning January 1, 2019, a carrier offering a health plan in this State shall establish, at a minimum, for all small group health plans as defined in section 2808-B, subsection 1, paragraph G compatible with a health savings account authorized under federal law, a health plan design in which enrollees are directly incentivized to shop for low-cost, high-quality participating providers for comparable health care services. Incentives may include, but are not limited to, cash payments, gift cards or credits or reductions of premiums, copayments or deductibles. A small group health plan design created under this section must remain available to enrollees for at least 2 consecutive years, except that any changes made to the program after 2 years, including, but not limited to, ending the incentive, may not be construed as a change to the small group health plan design for the purpose of guaranteed renewability under section 2808-B, subsection 4 or section 2850-B. A multiple-employer welfare arrangement is not considered a carrier for the purposes of this section. [PL 2017, c. 232, §8 (NEW).]

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Comparable health care service" means nonemergency, outpatient health care services in the following categories:

- (1) Physical and occupational therapy services;
- (2) Radiology and imaging services;
- (3) Laboratory services; and
- (4) Infusion therapy services. [PL 2017, c. 232, §8 (NEW).]

B. "Program" means the comparable health care service incentive program established by a carrier pursuant to this section. [PL 2017, c. 232, §8 (NEW).]  
[PL 2017, c. 232, §8 (NEW).]

**2. Filing with superintendent.** Plans filed with the superintendent pursuant to this section must disclose, in the summary of benefits and explanation of coverage, a detailed description of the incentives available to a plan enrollee. The description must clearly detail any incentives that may be earned by the enrollee, including any limits on such incentives, the actions that must be taken in order to earn such incentives and a list of the types of services that qualify under the program. This subsection may not be construed to prevent a carrier from directing an enrollee to the carrier's website or toll-free telephone number for further information on the program in the summary of benefits and explanation of coverage. The superintendent shall review the filing made by the carrier to determine if the carrier's program complies with the requirements of this section.  
[PL 2017, c. 232, §8 (NEW).]

**3. Availability of program; notice to enrollees.** Annually at enrollment or renewal, a carrier shall provide notice about the availability of the program to an enrollee who is enrolled in a health plan eligible for the program as required by section 4302, subsection 1, paragraph M.  
[PL 2017, c. 232, §8 (NEW).]

**4. Additional types of nonemergency health care services or procedures.** Nothing in this section precludes a carrier from including additional types of nonemergency health care services or procedures in its program.  
[PL 2017, c. 232, §8 (NEW).]

**5. No administrative expense.** An incentive payment made by a carrier in accordance with this section is not an administrative expense of the carrier for rate development or rate filing purposes.  
[PL 2017, c. 232, §8 (NEW).]

**6. Study and evaluation.** Beginning March 1, 2020 and annually thereafter, the superintendent shall undertake a study and evaluation of the programs created by carriers as required by this section. The superintendent may request information on enrollment and use of incentives earned by enrollees of a carrier as necessary. By April 15, 2020 and annually thereafter, the superintendent shall submit an aggregate report relating to the performance of the programs, the use of incentives, the incentives earned by enrollees and the cumulative effect of the programs to the joint standing committee of the Legislature having jurisdiction over health insurance matters.

[PL 2017, c. 232, §8 (NEW).]

**7. Rules.** The superintendent may adopt rules as necessary to implement this section. Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

[PL 2017, c. 232, §8 (NEW).]

**8. Repeal.**

[PL 2023, c. 224, §1 (RP).]

**SECTION HISTORY**

PL 2017, c. 232, §8 (NEW). PL 2023, c. 224, §1 (AMD).

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