

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 HOUSE BILL 1119

By: Lepak

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5
6 AS INTRODUCED

7 An Act relating to Oklahoma Right to Shop Act;
8 amending Section 2, Chapter 151, O.S.L. 2022 (36 O.S.
9 Supp. 2024, Section 6060.41), which relates to
10 definitions; adding a term; modifying certain terms;
11 amending Section 3, Chapter 151, O.S.L. 2022 (36 O.S.
12 Supp. 2024, Section 6060.42), which relates to shared
13 savings incentive program and insurance carrier
14 obligations; clarifying the shared savings incentive
15 program; and providing an effective date.

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

17 SECTION 1. AMENDATORY Section 2, Chapter 151, O.S.L.
18 2022 (36 O.S. Supp. 2024, Section 6060.41), is amended to read as
19 follows:

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

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

24 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.

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 carriers network and agrees to accept an amount
11 less than the average allowed amount, the carrier shall ensure that:

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

15 2. Calculation of coinsurance liability is based on the amount
16 negotiated by the enrollee and their provider so long as it is an
17 amount less than the average allowed amount.

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

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

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

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

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

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

21 4. Publish on the website of the insurance carrier, easily
22 accessible to enrollees and applicants for insurance, a list of
23 comparable health care services and health care providers and the
24 shared savings incentive amount applicable for each service. A

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

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

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

13 ~~6.~~ 7. Submit an annual report to the Insurance Department
14 within ninety (90) days after the close of each health benefit plan
15 year. At a minimum, the report shall include the following
16 information:

- 17 a. the number of enrollees who participated in the
18 program during the health benefit plan year and the
19 number of instances of participation,
- 20 b. the total cost of services provided as a part of the
21 program, and
- 22 c. the total value of the shared savings incentive
23 payments made to enrollees participating in the
24 program and the values distributed as ~~cash or~~ credit

1 toward the annual in-network deductible and out-of-
2 pocket limit of an enrollee.

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

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

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7 60-1-10624 TJ 12/05/24
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