

HOUSE BILL NO. HB0119

Health insurance-sale of out-of-state policies.

Sponsored by: Representative(s) Buchanan, Edmonds,
Esquibel, K., Hunt, Kasperik, Kroeker,
Lubnau, Peasley, Pedersen and Zwonitzer,
Dn. and Senator(s) Anderson, Nutting and
Ross

A BILL

for

1 AN ACT relating to health insurance; authorizing Wyoming
2 insurers to offer individual and small employer health
3 insurance policies in Wyoming that have been approved for
4 issuance in other states; providing minimum standards for
5 out-of-state policies; prescribing notice requirements;
6 granting rulemaking authority; preempting conflicting
7 laws; providing definitions; and providing for an
8 effective date.

9

10 *Be It Enacted by the Legislature of the State of Wyoming:*

11

12 **Section 1.** W.S. 26-18-301 through 26-18-307 are
13 created to read:

14

15

ARTICLE 3

1 SALE OF OUT-OF-STATE HEALTH INSURANCE POLICIES

2

3 **26-18-301. Definitions.**

4

5 (a) As used in this article:

6

7 (i) "Health insurance," "health benefit plan"
8 and "health benefit policy" mean a health benefit plan as
9 defined by W.S. 26-1-102(a)(xxxii);

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11 (ii) "High deductible health plan" means health
12 insurance plans sold or maintained under the applicable
13 provisions of section 223 of the Internal Revenue Code;

14

15 (iii) "Small employer" means small employer as
16 defined by W.S. 26-19-302(a)(xxii);

17

18 (iv) "Small employer health insurance policy"
19 is any policy defined by W.S. 26-19-303(a).

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21 **26-18-302. Sale of health insurance policies**
22 **approved in other states.**

23

1 (a) The insurance commissioner shall approve for
2 sale in Wyoming any individual or small employer health
3 insurance policy or high deductible health plan that is
4 currently approved for issuance in another state where the
5 insurer or the insurer's affiliate or subsidiary is
6 authorized to transact insurance, subject to the
7 following:

8

9 (i) The insurer or the insurer's affiliate or
10 subsidiary filing and issuing the policy in Wyoming is
11 also authorized to transact insurance in this state
12 pursuant to title 26, chapter 3 of the Wyoming statutes;

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14 (ii) The policy meets the requirements of this
15 article;

16

17 (iii) Any authorized insurer may offer an
18 individual or small employer insurance policy with
19 benefits equivalent to those in any policy approved for
20 sale in Wyoming under this article, provided that the
21 offered policy meets the requirements of this article.

22

23 **26-18-303. Financial requirements; continuing**
24 **compliance.**

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2 (a) Any insurer selling a health insurance policy
3 pursuant to this article and any policy approved pursuant
4 to this article shall satisfy actuarial standards of the
5 National Association of Insurance Commissioners, the
6 requirements of this act and any regulations of the
7 department implementing this act.

8

9 (b) The commissioner shall determine whether an
10 insurer satisfies the requirements of this article and
11 shall expeditiously approve policies and plans that comply
12 with this article. The commissioner shall have the
13 authority to determine whether a health insurance policy
14 or plan sold pursuant to this article continues to satisfy
15 the requirements of this article in the same manner as for
16 other policies under this code. The commissioner shall
17 have the authority to require an insurer to participate in
18 the Wyoming health insurance pool and to make other
19 payments required of insurers under this code.

20

21 (c) Any policy sold pursuant to this article shall
22 be protected under the Wyoming Life and Health Guaranty
23 Association Act under Chapter 42 of this title.

24

1 **26-18-304. Disclaimers required.**

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3 (a) Each written application for a policy sold
4 pursuant to this article shall contain the following
5 language in boldface type at the beginning of the
6 document:

7

8 The benefits of this policy may primarily be
9 governed by the laws of a state other than
10 Wyoming. All of the laws applicable to policies
11 filed in this state may not apply to this
12 policy. Any purchase of individual health
13 insurance should be considered carefully since
14 future medical conditions may make it impossible
15 to qualify for another individual health
16 insurance policy.

17

18 (b) Each policy sold pursuant to this article shall
19 contain the following language in boldface type at the
20 beginning of the document:

21

22 The benefits of this policy may be governed
23 primarily by the laws of a state other than
24 Wyoming. The benefits covered may be different

1 from other policies you can purchase in this
2 state. Consult your insurance agent or insurer
3 to determine which health benefits are covered
4 under this policy.

5

6 (c) If a benefit under the out-of-state policy or a
7 similarly named benefit is defined differently under
8 Wyoming statutes and regulations than it is in the other
9 state, the policy shall contain a side-by-side chart that
10 compares Wyoming's and the other state's respective
11 definitions.

12

13 **26-18-305. Rules and regulations.**

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15 (a) The commissioner shall adopt rules and
16 regulations necessary to implement this article, including
17 the issuance of standard forms for the disclosure of
18 benefits.

19

20 (b) Any dispute resolution mechanism or provision
21 for notice and hearing in this code shall apply to
22 insurers issuing and delivering policies pursuant to this
23 article.

24

1 **26-18-306. Conflict with other code provisions.**

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3 If the provisions of this article conflict with any other
4 provision of this code, the provisions of this article
5 shall control.

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7 **26-18-307. Authorization date.**

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9 No policy shall be issued or delivered for issuance in
10 this state pursuant to this article before July 1, 2012.

11

12 **Section 2.** This act is effective July 1, 2012.

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14

(END)