

HOUSE BILL NO. HB0081

CHIP-state administration.

Sponsored by: Representative(s) Larsen and Wilson and  
Senator(s) Driskill

A BILL

for

1 AN ACT relating to the child health insurance program;  
2 authorizing the program to be provided by the state or by a  
3 private insurance company; amending charge and collection  
4 limits; discontinuing the CHIP health benefits plan  
5 committee; making conforming amendments; and providing for  
6 an effective date.

7

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

9

10 **Section 1.** W.S. 35-25-103, 35-25-106(a) and (b) and  
11 35-25-108(b) (i) are amended to read:

12

13 **35-25-103. Child health insurance program**  
14 **eligibility; services by department or private health**  
15 **insurance.**

1

2       (a) Subject to approval of the state plan by the  
3 United States secretary of health and human services, and  
4 subject to available state and federal funding the  
5 department shall provide a health insurance plan ~~offered~~  
6 ~~through a private insurance company licensed by the~~  
7 ~~insurance commissioner to write insurance in Wyoming~~ for an  
8 eligible child whose monthly gross family income is not  
9 more than one hundred eighty-five percent (185%) of the  
10 federal poverty level, until July 1, 2005, and thereafter,  
11 whose monthly gross family income is not more than two  
12 hundred percent (200%) of the federal poverty level. A  
13 child who is determined eligible to receive benefits under  
14 this section shall remain eligible for twelve (12) months  
15 as long as the child resides in the state of Wyoming and  
16 has not yet attained nineteen (19) years of age. A child's  
17 eligibility to receive benefits under this act shall be  
18 redetermined on an annual basis. A simplified application  
19 process, which includes minimum eligibility requirements,  
20 shall be provided throughout the state at various public  
21 and private establishments approved by the department of  
22 health. To be determined eligible to receive benefits under  
23 this section, a child shall not be eligible under the

1 Wyoming Medical Assistance and Services Act, shall not have  
2 been covered under another health insurance plan for a  
3 minimum of one (1) month prior to application for coverage  
4 under this act or, upon birth, the child would not  
5 otherwise be covered by a public or private health  
6 insurance plan. Eligibility under this section shall be  
7 determined by the department of health or its designee.

8

9 (b) The child health insurance plan required by  
10 subsection (a) of this section shall be provided either  
11 through a private health insurance company licensed by the  
12 insurance commissioner to write insurance in Wyoming or by  
13 the department of health's division responsible for  
14 administering the Medicaid program. The department's  
15 division shall be used to provide the insurance plan only  
16 if it can provide the plan at a lower cost than can a  
17 qualified private insurance company or if use of the  
18 division will otherwise accrue more benefits to the state  
19 than will use of a private insurance company.

20

21 (c) A medical provider who accepts payment for  
22 services provided under this section shall not charge or  
23 attempt to collect payments in excess of a rate schedule

1 established by the department or in excess of rates  
2 negotiated with a private health insurance company who is  
3 offering child health insurance pursuant to this act.  
4

5 **35-25-106. Private health insurance plan request for**  
6 **proposals.**

7  
8 (a) If the child health insurance plan required by  
9 W.S. 35-25-103 will be provided through a private health  
10 insurance company, the department shall ~~publish notice of~~  
11 issue a request for proposals from qualified insurers ~~to~~  
12 ~~provide a health insurance plan for children insured under~~  
13 ~~W.S. 35-25-103 of this act. The department~~ and shall award  
14 the contract for this service to an insurer based on price,  
15 the provision of ~~benchmark~~ required services ~~determined~~  
16 ~~pursuant to W.S. 35-25-105(c),~~ and other factors listed in  
17 the department's request for proposals. ~~The~~ A contract for  
18 health insurance awarded under this section shall contain  
19 provisions with respect to exclusions from coverage for  
20 preexisting conditions that are no more restrictive than  
21 those described in 42 U.S.C. 1397bb(b)(1)(B)(ii). The  
22 contract shall include provisions for changes in terms and  
23 conditions and for rebidding in case major changes are

1 needed. The department shall have the right to rebid the  
2 contract after two (2) years.

3

4 (b) Biennially, the department may allow ~~the~~a  
5 contractor providing child health insurance pursuant to  
6 subsection (a) of this section to adjust the price charged  
7 for the coverage, but if the price is increased, the  
8 department may, after public notice, rebid the contract.

9

10 **35-25-108. Implementation; duties; restrictions on**  
11 **the department of health.**

12

13 (b) The department shall not implement:

14

15 (i) The program under this act until a state  
16 plan has been approved by the United States secretary of  
17 health and human services or, for any modified plan, until  
18 the modified plan has been approved if the modifications  
19 require the approval of the United States secretary of  
20 health and human services; and

21

1           **Section 2.** W.S. 35-25-104(a) (intro) as amended by  
2 2017 Wyoming Session Laws, Chapter 60, Section 1 is amended  
3 read:

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5           **35-25-104. Program benefits.**

6

7           (a) A child eligible for services under this act  
8 shall receive benefits developed by the ~~health benefits~~  
9 ~~committee established under W.S. 35-25-105~~ department as  
10 allowed by 42 U.S.C. 1397cc et seq. and that include:

11

12           **Section 3.** W.S. 35-25-105 and 35-25-106(c) are  
13 repealed.

14

15           **Section 4.** This act is effective March 31, 2018.

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17

(END)