

HOUSE BILL NO. HB0064

Child health insurance.

Sponsored by: Joint Labor, Health and Social Services
Interim Committee

A BILL

for

1 AN ACT relating to the child health insurance program;
2 repealing and recreating the child health insurance program
3 to provide for the establishment of a private health
4 insurance program for uninsured children as specified;
5 reauthorizing the health benefits committee; providing an
6 appropriation; and providing for an effective date.

7

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

9

10 **Section 1.** W.S. 35-25-101 through 35-25-108 are
11 repealed and recreated to read:

12

13 **35-25-101. Uninsured child health insurance program.**

14

1 There is created a child health insurance program for
2 families with a maximum gross monthly income at or below
3 two hundred percent (200%) of the federal poverty level.

4

5 **35-25-102. Definitions.**

6

7 (a) As used in this act:

8

9 (i) "Child" means a person who has not yet
10 reached the nineteenth anniversary of his birth;

11

12 (ii) "Department" means the department of
13 health;

14

15 (iii) "Federal poverty level" means the federal
16 poverty guideline updated annually in the federal register
17 by the United States department of health and human
18 services under the authority of section 673(2) of the
19 Omnibus Budget Reconciliation Act of 1981;

20

21 (iv) "Private health insurance" means an
22 individual insurance policy or contract for the purpose of
23 paying for or reimbursing the cost of hospital and medical
24 care;

1

2 (v) "State plan" means the state plan required
3 by Public Law 105-33 to be submitted by the state to the
4 United States secretary of health and human services to
5 receive federal funding for a child health insurance
6 program;

7

8 (vi) "This act" means W.S. 35-25-101 through
9 35-25-108.

10

11 **35-25-103. Child health insurance program**
12 **eligibility.**

13

14 Subject to approval of the state plan by the United States
15 secretary of health and human services, and subject to
16 available state and federal funding the department shall
17 provide a health insurance plan offered through a private
18 insurance company licensed by the insurance commissioner to
19 write insurance in Wyoming for an eligible child whose
20 gross family income is not more than two hundred percent
21 (200%) of the federal poverty level. A child who is
22 determined eligible to receive benefits under this section
23 shall remain eligible for twelve (12) months as long as the
24 child resides in the state of Wyoming and has not yet

1 attained nineteen (19) years of age. A child's eligibility
2 to receive benefits under this act shall be redetermined on
3 an annual basis. A simplified application process, which
4 includes minimum eligibility requirements, shall be
5 provided throughout the state at various public and private
6 establishments approved by the department of health. To be
7 determined eligible to receive benefits under this section,
8 a child shall not be eligible under the Wyoming Medical
9 Assistance and Services Act, shall not have been covered
10 under another health insurance plan for a minimum of one
11 (1) month prior to application for coverage under this act
12 or, upon birth, the child would not otherwise be covered by
13 a public or private health insurance plan. Eligibility
14 under this section shall be determined by the department of
15 health or its designee.

16

17 **35-25-104. Private insurance program benefits.**

18

19 A child eligible for services under this act shall receive
20 benefits developed by the health benefits committee
21 established under W.S. 35-25-105 that include cost sharing
22 factors, not to exceed the maximum allowable under Public
23 Law 105-33, exclusions and limitations. The benefit package
24 shall include, at a minimum, inpatient and outpatient

1 hospital services, physician services, laboratory and x-ray
2 services, well-baby and well-child care including age
3 appropriate immunizations and the additional services of
4 prescription drug coverage, vision coverage and dental
5 coverage which will include preventive and basic services
6 developed by the health benefits committee.

7

8 **35-25-105. Health benefits plan committee.**

9

10 (a) A health benefits plan committee is hereby
11 established and shall be composed of ten (10) members,
12 which include:

13

14 (i) The director of the Wyoming department of
15 health or his designee;

16

17 (ii) The director of the Wyoming department of
18 family services or his designee;

19

20 (iii) The Wyoming insurance commissioner or his
21 designee;

22

23 (iv) One (1) representative each, appointed by
24 the governor, consisting of:

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

(A) An authorized insurer writing individual and group health insurance business in Wyoming;

(B) An employer;

(C) A parent;

(D) A licensed insurance agent experienced in selling health insurance;

(E) A licensed physician who specializes in pediatric care or family medicine;

(F) A licensed health care provider experienced in providing pediatric care; and

(G) A member of the general public.

(b) The terms of the committee members appointed by the governor shall be four (4) years. Members of the committee appointed prior to July 1, 2003 may continue to serve the remainder of their terms. The committee shall

1 review on at least a biennial basis the form and level of
2 benefits to be made available pursuant W.S. 35-25-104.

3

4 (c) The committee shall develop a package of benefits
5 as allowed by section 2103(a)(4) of Public Law 105-33,
6 including cost sharing factors, exclusions and limitations.

7

8 (d) The committee shall submit its recommendations to
9 the director of the department for approval no later than
10 October 1, 2003, and at least biennially thereafter.

11

12 (e) Members of the committee shall be reimbursed for
13 travel and per diem in the same manner as state employees.
14 Members may also be reimbursed for any committee-related
15 expenses which receive prior approval by the department.
16 Members shall not be otherwise compensated for their
17 services.

18

19 (f) Committee meetings shall be open to the public.

20

21 **35-25-106. Private health insurance plan request for**
22 **proposals.**

23

1 (a) The department shall publish notice of a request
2 for proposals from qualified insurers to provide a health
3 insurance plan for children insured under W.S. 35-25-103 of
4 this act. The department shall award the contract for this
5 service to an insurer based on price, the provision of
6 benchmark services determined pursuant to W.S.
7 35-25-105(c), and other factors listed in the department's
8 request. The contract for health insurance awarded under
9 this section shall contain provisions with respect to
10 exclusions from coverage for preexisting conditions that
11 are no more restrictive than those described in section
12 2102 (b) (1) (B) (ii) of Public Law 105-33. The contract
13 shall include provisions for changes in terms and
14 conditions and for rebidding in case major changes are
15 needed. The department shall have the right to rebid the
16 contract after two (2) years.

17

18 (b) Biennially, the department may allow the
19 contractor to adjust the price charged for the coverage,
20 but if the price is increased, the department may, after
21 public notice, rebid the contract.

22

23 (c) If the department does not receive a proposal
24 from an insurance company within one hundred twenty (120)

1 days after issuing the request for proposals required in
2 subsection (a) of this section, the department may provide
3 services to children eligible under this act with a public
4 health benefit package designed to provide the same
5 services as authorized under the Wyoming Medical Assistance
6 and Services Act. A medical provider who accepts payment
7 for services provided under this subsection shall not
8 charge or attempt to collect payments in excess of the rate
9 schedule established by the department of health.

10

11 **35-25-107. Program expenditures; monitoring;**
12 **recommendations; required action to limit expenditures to**
13 **budget available.**

14

15 (a) The department shall project monthly expenditures
16 under this act each month through the end of the biennium
17 based upon the level of activity for the previous months
18 and the trend in expenditures compared to previous
19 expenditures. If the projections indicate that expenditures
20 may exceed the federal and state funds available under this
21 act, the department, may, by rule and regulation and
22 subject to availability of funds, limit participation in
23 the program under this section as follows:

24

1 (i) The department may impose a partial or total
2 moratorium on new enrollments in the programs under this
3 act until funds are available to meet the needs of new
4 enrollees;

5

6 (ii) For current recipients of benefits under
7 this act, priority for the continuation of funding shall be
8 given to those families with the lowest incomes.

9

10 (b) In the last six (6) months of the biennium, the
11 department shall include a projection of expenditures for
12 the next biennium based on the spending for the current
13 biennium unless the legislature provides for a different
14 level of funding for the next biennium.

15

16 (c) The funding for the child health insurance
17 program shall be deemed to be included within the community
18 and family health division line item within the department
19 of health budget unless a separate line item is provided in
20 the budget bill. General fund expenditures for the child
21 health program shall not exceed the amount needed to match
22 federal funds without explicit authorization enacted in the
23 budget bill.

24

1 **35-25-108. Implementation; duties; restrictions on**
2 **the department of health.**

3
4 (a) The department shall:

5
6 (i) Administer this act within the fiscal
7 constraints of Public Law 105-33 and subsequent federal
8 enactments governing this program and the state budget as
9 enacted by the legislature;

10
11 (ii) Develop a state plan for child health
12 insurance to qualified recipients under this act and
13 otherwise provide for the effective administration of this
14 act;

15
16 (iii) Maintain records on the administration of
17 this act and report to the federal government as required
18 by federal law and regulation;

19
20 (iv) Adopt, amend and rescind rules and
21 regulations on the administration of this act following
22 notice and public hearing in accordance with the Wyoming
23 Administrative Procedure Act;

24

1 (v) Establish indicators for measuring access,
2 process, quality and outcomes effectiveness in improving
3 children's health.

4

5 (b) The department shall not implement:

6

7 (i) The program under this act until a state
8 plan has been approved by the United States secretary of
9 health and human services; and

10

11 (ii) Any state plan that does not conform to the
12 requirements of this act.

13

14 **Section 2.** W.S. 35-25-109 and 35-25-110 are repealed.

15

16 **Section 3.** Notwithstanding W.S. 35-25-108(b), as
17 recreated in section 1 of this act, if the department has
18 not received federal approval of the state plan required
19 under W.S. 35-25-108(a)(ii), as recreated in section 1 of
20 this act, by July 1, 2003, the department shall continue to
21 provide services under the child health insurance program
22 as authorized by the legislature in 1999 Wyoming session
23 laws, chapter 137, to children found eligible for services
24 under W.S. 35-25-103, as created by that act until the plan

1 required under W.S. 35-25-108(a)(ii), as recreated in
2 section 1 of this act receives federal approval and is
3 ready for implementation by the department. The department
4 shall certify the date of the federal approval of the state
5 plan, and submit a copy of the approval, to the governor
6 and the joint labor, health and social services interim
7 committee. The governor shall certify to the secretary of
8 state that the state plan has been approved and the date
9 the department has begun implementing the child health
10 insurance program as authorized under this act.

11

12 **Section 4.**

13

14 (a) In addition to any other appropriation to
15 implement the child health insurance program, there is
16 appropriated to the department of health to implement the
17 purposes of this act for the fiscal year beginning July 1,
18 2003:

19

20 (i) Eight hundred twenty-seven thousand eight
21 hundred thirty-seven dollars (\$827,837.00) from the general
22 fund; and

23

1 (ii) Two million two hundred fourteen thousand
2 five hundred sixty-three dollars (\$2,214,563.00) from
3 federal funds.

4

5 **Section 5.** This act is effective July 1, 2003.

6

7

(END)