



HB0007

**Air ambulance membership organizations-  
regulation.**

Sponsored By: Joint Minerals, Business & Economic Development  
Interim Committee

AN ACT relating to insurance; amending the definition of disability insurance; specifying that the regulation of air ambulance membership organizations and their memberships and plans is not insurance; establishing registration requirements and regulatory standards for air ambulance membership organizations; making conforming amendments; requiring rulemaking; and providing for effective dates.

12/15/2020 Bill Number Assigned  
1/12/2021 H Received for Introduction  
2/1/2021 H Introduced and Referred to H09 - Minerals  
3/1/2021 H09 - Minerals:Recommend Amend and Do Pass 8-1-0-0-0

**ROLL CALL**

**Ayes:** Representative(s) Bear, Burkhardt, Jr, Duncan, Eyre, Greear, Heiner, Sherwood, Western

**Nays:** Representative Gray

**Ayes** 8    **Nays** 1    **Excused** 0    **Absent** 0    **Conflicts** 0

3/1/2021 H Placed on General File

**HB0007HS001/ADOPTED**

Page 2-lines 4 through 17 Delete entirely and insert:

"(a) As used in this article, "air ambulance membership organization" means an entity that, in exchange for fees, dues, charges or other consideration, provides:

(i) Discounts to members for the cost of services the organization provides as an air ambulance service company; or

(ii) Access for members to providers of air ambulance services and the right to receive air ambulance services from those providers. For purposes of this paragraph, "air ambulance membership organization" means the entity that contracts with health care providers, individuals, employees, groups, provider networks or other air ambulance membership organizations to offer access to air ambulance services and that determines the fees, dues, or charges to air ambulance membership organization members."

Page 2-line 19 Delete "(c)" and insert "(b)".

Page 4-line 15 Delete "is financially".

Page 4-line 16 Delete "responsible,".

Page 5-after line 2 Insert:

"(vi) Proof that the applicant has posted a surety bond and has established a reserve fund as required by W.S. 26-43-305(f)".

Page 10-line 12 Delete "business and".

Page 10-line 14 Delete entirely and insert "ensure compliance with the provisions of this article;".

Page 10-line 17 After "produce" insert "materials pertaining to air ambulance membership affairs, including".

Page 10-line 19 Delete "the commissioner deems".

Page 11-line 1 After "article" insert ".".

Page 11-line 2 Delete entirely.

Page 11-lines 4 through 7 Delete entirely and insert:

"(b) An air ambulance membership organization found to have violated any provision of this article after an examination or investigation under this section shall pay all costs and fees associated with the examination or investigation.".

Page 11-line 19 Delete "agreements" and insert "terms and conditions".

Page 11-line 22 After "organization" insert "meeting the definition specified in W.S. 26-43-301(a)(ii)".

Page 12-line 9 Delete "signing an agreement to join" and insert "purchasing".

Page 13-line 5 Delete "in writing".

Page 13-after line 5 Insert:

"(f) An air ambulance membership organization shall:

(i) Post a surety bond with one (1) or more surety companies approved by the commissioner in the amount of five thousand dollars (\$5,000.00) for every one thousand (1,000) members of the organization who are residents of the state of Wyoming or portion thereof;

(ii) Establish a reserve fund at any financial institution approved by the commissioner in the amount of three dollars (\$3.00) for each member currently part of a plan that the air ambulance membership organization offers. The reserve fund shall be for the benefit of the members and to guarantee that any plan the air ambulance membership organization offers continues until all memberships or plans are terminated. No amount shall be required to be deposited for any family members of the plan member's household unless the family members are separately participating or subscribed to the organization's plan. No further deposits shall be required under this paragraph after the total amount of the reserve fund and surety bond required under paragraph (i) of this subsection exceed two hundred thousand dollars (\$200,000.00).

(g) An air ambulance membership organization shall pay any costs of collection upon a judgment in favor of a plan member and attorney fees in any successful action brought by a plan member.".

Page 13-line 7 After "**Violations;**" delete balance of line.

Page 13-lines 10 and 11 Delete entirely.

Page 13-line 13 Delete "(b)".

Page 15-line 5 Delete "performance of the".

Page 15-line 6 After "commissioner" insert "to ensure compliance with the provisions of this article".

Page 16-line 21 Delete "the following terms" and insert "language".

Page 16-line 22 After "marketing" delete balance of line.

Page 16-line 23 Delete entirely.

Page 17-line 1 Delete entirely.

Page 17-line 2 Delete "designates by rule".

Page 18-line 7 After "(ii)" insert "For air ambulance membership organizations as defined by W.S. 26-43-301(a)(ii), that".

Page 18-line 22 After "(e)" delete balance of line.

Page 18-line 23 Delete entirely and insert "When a person purchases a membership from an".

Page 19-line 2 Delete "provide" and insert "mail to the member, within five (5) business days of the purchase,"; after "document" insert "printed".

Page 19-line 3 Delete "fourteen (14)" and insert "twelve (12)"; after "font" delete "for the".

Page 19-line 4 Delete line through "sign".

Page 19-line 11 After "may" delete balance of line.

Page 19-line 12 Delete line through "should".

Page 19-line 13 Delete "what".

Page 19-line 14 Delete entirely and insert "the extent of applicable Medicare coverage and what the member's payment obligations will be if transported by air ambulance;".

Page 19-line 18 After "entity" insert ";" and delete balance of line.

Page 19-lines 19 through 22 Delete entirely.

Page 20-lines 1 and 2 Delete entirely.

Page 20-lines 9 through 12 Delete entirely and insert:

"(v) The Wyoming counties served by the air ambulance membership organization;".

Page 20-line 21            After "provider" insert ", and in such case the prospective member may be responsible for the entire bill".

Page 20-after line 21    Insert:

"(vii) "That if the member cancels the membership not later than thirty (30) days after purchasing a plan, the air ambulance membership organization will refund to the member any one-time charges paid by the member that exceed thirty dollars (\$30.00) and all periodic charges paid by the member.". GREEAR, CHAIRMAN

3/1/2021            H COW:Passed  
3/2/2021            H 2nd Reading:Passed

**HB0007H3001/ADOPTED**

Page 20-after line 21            In the House standing committee amendment (HB0007HS001/A) to this line, after the paragraph (vii) created by that amendment, insert:

"(viii) That the air ambulance membership organization may not be the company called in the event of an emergency and that the member may be responsible for the entire bill if a different air ambulance service company provides the service.". BEAR

**HB0007H3002/ADOPTED**

Page 13-after line 5            In the House standing committee amendment (HB0007HS001/A) to this line, in paragraph (f)(ii) created by that amendment, delete "exceed" and insert "exceeds". DUNCAN

3/3/2021            H 3rd Reading:Passed 55-5-0-0-0

**ROLL CALL**

**Ayes:** Representative(s) Andrew, Banks, Barlow, Bear, Blackburn, Brown, Burkhart, Burt, Clausen, Clifford, Connolly, Crago, Duncan, Eklund, Eyre, Flitner, Fortner, Greear, Hallinan, Haroldson, Harshman, Heiner, Henderson, Hunt, Kinner, Knapp, Larsen, L, Laursen, D, Macguire, Martinez, Neiman, Newsome, Nicholas, Oakley, Obermueller, O'hearn, Olsen, Ottman, Paxton, Provenza, Roscoe, Schwartz, Sherwood, Simpson, Stith, Sweeney, Walters, Washut, Western, Wharff, Williams, Wilson, Winter, Yin, Zwonitzer

**Nays:** Representative(s) Baker, Gray, Jennings, Sommers, Styvar

**Ayes** 55      **Nays** 5      **Excused** 0      **Absent** 0      **Conflicts** 0

3/4/2021            S Received for Introduction  
3/12/2021            S Introduced and Referred to S09 - Minerals  
3/17/2021            H09 - Minerals:Rerefer to S07 - Corporations  
3/19/2021            S07 - Corporations:Recommend Amend and Do Pass 5-0-0-0-0

**ROLL CALL**

**Ayes:** Senator(s) Boner, Case, Driskill, Nethercott, Scott

**Ayes** 5      **Nays** 0      **Excused** 0      **Absent** 0      **Conflicts** 0

3/19/2021            S Placed on General File

**HB0007SS001/ADOPTED**

**(TO ENGROSSED COPY)**

Page 4-line 18 After "applicant" insert "is financially responsible,".  
Page 7-line 12 Delete "such"; delete "as to" and insert "that".  
Page 7-line 13 Delete "misrepresent" and insert "misrepresents".  
Page 7-line 16 After "practices" insert "prohibited by the Wyoming  
Consumer Protection Act".  
Page 7-line 19 Delete "or".  
Page 7-line 23 Delete "." and insert "; or".  
Page 7-after line 23 Insert and renumber as necessary:

"(vi) Is at risk of insolvency or otherwise being financially unable to provide air ambulance service to its members as required by the terms and conditions of the membership plans sold to Wyoming residents."

Page 11-after line 18 Insert:

"(d) The commissioner may conduct examinations of air ambulance membership organizations for compliance with this article in the manner and under the conditions provided for the examination of insurers pursuant to W.S. 26-2-116 through 26-2-124. In the examination, the assets of any air ambulance membership organization are those assets determined by the commissioner to be available for the payment of the obligations of the organization. The reasonable and proper expenses of examination shall be paid by the air ambulance membership organization in accordance with W.S. 26-2-122. In lieu of conducting an examination, the commissioner may accept a copy of the most recent financial statement of the air ambulance membership organization that has been audited by an independent certified public accountant and that demonstrates that the organization is solvent as determined by generally accepted accounting principles."

Page 20-line 9 Delete "When" and insert "Before".  
Page 20-line 11 After "mail" delete balance of line and insert ", give or, with the consent of the person, email to the person".  
Page 20-line 12 Delete line through "purchase,".  
Page 22-line 17 After "W.S." insert "26-1-102(b)(ii),".  
Page 22-line 18 After "(vii)" insert ", 26-2-117 by creating a new subsection (b)".

Page 22-after line 18 Insert:

**"26-1-102. Definitions.**

(b) As used in W.S. 26-2-116 through 26-2-124:

(ii) "Person" means as defined in W.S. 26-1-102(a)(xx) and includes all affiliates of the entities referred to in that definition and air ambulance membership organizations as identified in chapter 43, article 3 of this code."

Page 23-after line 3      Insert:

**"26-2-117. Examination of other than insurers.**

(b) For the purpose of ascertaining compliance with chapter 43, article 3 of this code, the commissioner may examine air ambulance membership organizations.".DRISKILL, CHAIRMAN

**HB0007SW001/ADOPTED                      (TO ENGROSSED COPY)**

Page 15-line 3                      Delete "act" and insert "article". DRISKILL

3/23/2021      S COW:Passed

3/24/2021      S 2nd Reading:Passed

**HB0007S3001/FAILED                      (TO ENGROSSED COPY)  
(CORRECTED COPY)**

Delete the Senate standing committee amendment (HB0007SS001/AE) entirely.

Page 20-line 9                      Delete "When" and insert "Before".

Page 20-line 11                      After "mail" delete balance of line and insert ", give or, with the consent of the person, email to the person".

Page 20-line 12                      Delete line through "purchase,". CASE, SALAZAR

3/25/2021      S 3rd Reading:Passed 22-7-0-0-1

**ROLL CALL**

**Ayes:** Senator(s) Anderson, Baldwin, Biteman, Bouchard, Case, Cooper, Dockstader, French, Furphy, Gierau, Hicks, James, Kinskey, Landen, Mckeown, Nethercott, Pappas, Rothfuss, Salazar, Schuler, Steinmetz, Wasserburger

**Nays:** Senator(s) Boner, Driskill, Hutchings, Kolb, Kost, Perkins, Scott

**Conflicts:** Senator Ellis

**Ayes 22      Nays 7      Excused 0      Absent 0      Conflicts 1**

3/25/2021      H Received for Concurrence

3/26/2021      H Concur:Failed 3-57-0-0-0

**ROLL CALL**

**Ayes:** Representative(s) Baker, Barlow, Larsen, L

**Nays:** Representative(s) Andrew, Banks, Bear, Blackburn, Brown, Burkhart, Burt, Clausen, Clifford, Connolly, Crago, Duncan, Eklund, Eyre, Flitner, Fortner, Gray, Greear, Hallinan, Haroldson, Harshman, Heiner, Henderson, Hunt, Jennings, Kinner, Knapp, Laursen, D, Macguire, Martinez, Neiman, Newsome, Nicholas, Oakley, Obermueller, O'hearn, Olsen, Ottman, Paxton, Provenza, Roscoe, Schwartz, Sherwood, Simpson, Sommers, Stith, Styvar, Sweeney, Walters, Washut, Western, Wharff, Williams, Wilson, Winter, Yin, Zwonitzer

**Ayes 3      Nays 57      Excused 0      Absent 0      Conflicts 0**

3/26/2021      H Appointed JCC01 Members

Representative(s) Greear, Bear, Jennings

3/29/2021      S Appointed JCC01 Members

Senator(s) Nethercott, Kolb, Salazar

3/30/2021 H Adopted HB0007JC001: 53-3-4-0-0

**HB0007JC001/HADOPTEDSADOPTED (TO ENGROSSED COPY)**

Adopt the following Senate amendments:

HB0007SW001/A

Delete the following Senate amendments:

HB0007SS001/A

Further amend the ENGROSSED COPY as follows:

- Page 7-line 12 Delete "such"; delete "as to" and insert "that".
- Page 7-line 13 Delete "misrepresent" and insert "misrepresents".
- Page 7-line 16 After "practices" insert "prohibited by the Wyoming Consumer Protection Act".
- Page 20-line 9 Delete "When" and insert "Before".
- Page 20-line 11 After "mail" delete balance of line and insert ", give or, with the consent of the person, email to the person".
- Page 20-line 12 Delete line through "purchase,".
- Page 22-line 17 After "W.S." insert "26-1-102(b)(ii),".
- Page 22-after line 18 Insert:

**"26-1-102. Definitions.**

(b) As used in W.S. 26-2-116 through 26-2-124:

(ii) "Person" means as defined in W.S. 26-1-102(a)(xx) and includes all affiliates of the entities referred to in that definition and air ambulance membership organizations as identified in chapter 43, article 3 of this code.".  
GREEAR, BEAR, JENNINGS, NETHERCOTT, KOLB, SALAZAR

**ROLL CALL**

**Ayes:** Representative(s) Andrew, Banks, Barlow, Bear, Brown, Burkhart, Burt, Clausen, Clifford, Connolly, Crago, Duncan, Eklund, Eyre, Flitner, Fortner, Greear, Hallinan, Heiner, Henderson, Hunt, Jennings, Kinner, Knapp, Larsen, L, Laursen, D, Macguire, Martinez, Neiman, Newsome, Nicholas, Oakley, Obermueller, O'hearn, Olsen, Ottman, Paxton, Provenza, Roscoe, Schwartz, Sherwood, Simpson, Sommers, Stith, Sweeney, Walters, Western, Wharff, Williams, Wilson, Winter, Yin, Zwonitzer

**Nays:** Representative(s) Baker, Gray, Styvar

**Excused:** Representative(s) Blackburn, Haroldson, Harshman, Washut

**Ayes** 53    **Nays** 3    **Excused** 4    **Absent** 0    **Conflicts** 0

4/1/2021 S Adopted HB0007JC001: 20-9-0-0-1

**HB0007JC001/HADOPTEDSADOPTED (TO ENGROSSED COPY)**

Adopt the following Senate amendments:

HB0007SW001/A

Delete the following Senate amendments:  
HB0007SS001/A

Further amend the ENGROSSED COPY as follows:

Page 7-line 12           Delete "such"; delete "as to" and insert "that".  
Page 7-line 13           Delete "misrepresent" and insert "misrepresents".  
Page 7-line 16           After "practices" insert "prohibited by the Wyoming  
Consumer Protection Act".  
Page 20-line 9           Delete "When" and insert "Before".  
Page 20-line 11          After "mail" delete balance of line and insert ", give  
or, with the consent of the person, email to the  
person".  
Page 20-line 12          Delete line through "purchase,".  
Page 22-line 17          After "W.S." insert "26-1-102(b)(ii),".  
Page 22-after line 18    Insert:

**"26-1-102. Definitions.**

(b) As used in W.S. 26-2-116 through 26-2-124:

(ii) "Person" means as defined in W.S. 26-1-102(a)(xx) and includes all affiliates of the entities referred to in that definition and air ambulance membership organizations as identified in chapter 43, article 3 of this code.".  
GREEAR, BEAR, JENNINGS, NETHERCOTT, KOLB, SALAZAR

**ROLL CALL**

**Ayes:** Senator(s) Baldwin, Biteman, Bouchard, Case, Cooper, Dockstader, Driskill, French, Gierau, James, Kost, Landen, Mckeown, Nethercott, Pappas, Perkins, Rothfuss, Salazar, Schuler, Steinmetz

**Nays:** Senator(s) Anderson, Boner, Furphy, Hicks, Hutchings, Kinskey, Kolb, Scott, Wasserburger

**Conflicts:** Senator Ellis

**Ayes** 20    **Nays** 9    **Excused** 0    **Absent** 0    **Conflicts** 1

4/2/2021    Assigned Number HEA No. 0075  
4/2/2021    H Speaker Signed HEA No. 0075  
4/2/2021    S President Signed HEA No. 0075  
4/6/2021    Governor Signed HEA No. 0075  
4/6/2021    Assigned Chapter Number 125

Chapter No. 125    Session Laws of Wyoming 2021