

**DRAFT ONLY  
NOT APPROVED FOR  
INTRODUCTION**

HOUSE BILL NO.

Air ambulance membership organizations-regulation.

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

A BILL

for

1 AN ACT relating to insurance; amending the definition of  
2 disability insurance; modifying the regulation of air  
3 ambulance membership organizations and their memberships  
4 and plans as insurance; establishing registration  
5 requirements and regulatory standards for air ambulance  
6 membership organizations; making conforming amendments;  
7 requiring rulemaking; and providing for an effective date.

8

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

10

11 **Section 1.** W.S. 26-43-301 through 26-43-308 are  
12 created to read:

1

2 ARTICLE 3 - AIR AMBULANCE MEMBERSHIP ORGANIZATIONS

3

4 **26-43-301. Definitions; applicability.**

5

6 (a) As used in this article, "air ambulance membership  
7 organization" means an entity that in exchange for fees,  
8 dues, charges or other consideration provides access for  
9 members of an air ambulance membership organization to  
10 providers of air ambulance services and the right to  
11 receive air ambulance services from those providers.

12

13 (b) For purposes of this article, an air ambulance  
14 membership organization shall be the entity that contracts  
15 with health care providers, provider networks or other air  
16 ambulance membership organizations to offer access to air  
17 ambulance services and that determines the charge to air  
18 ambulance membership organization members.

19

20 (c) The registration requirements of this article  
21 shall not apply to:

22

1           (i) An air ambulance membership organization that  
2 is otherwise subject to the provisions of this title and is  
3 required to be licensed under this title;

4

5           (ii) A health care provider who provides  
6 discounts to patients without any cost or fee of any kind  
7 to the patient.

8

9           **26-43-302. Air ambulance membership organizations;**  
10 **certificate of registration; application.**

11

12           (a) An air ambulance membership organization shall  
13 obtain a certificate of registration from the commissioner  
14 before operating as an air ambulance membership  
15 organization in Wyoming.

16

17           (b) An air ambulance membership organization seeking a  
18 certificate of registration from the commissioner shall  
19 apply on a form created and prescribed by the commissioner.  
20 The application shall include:

21

22           (i) An application fee not to exceed five hundred  
23 dollars (\$500.00);

1

2           (ii) Information regarding whether a previous  
3 application for a certificate of registration under this  
4 article or for a substantially similar certificate under  
5 the laws of another state has been denied, revoked,  
6 suspended or terminated;

7

8           (iii) Information regarding whether the applicant  
9 is currently under investigation or the subject of any  
10 pending action and whether the applicant has been found in  
11 violation of any statute or regulation in any jurisdiction  
12 in the last five (5) years;

13

14           (iv) Information sufficient for the commissioner  
15 to determine whether the applicant is financially  
16 responsible, has adequate expertise and experience to  
17 operate an air ambulance membership organization and is of  
18 good character;

19

20           (v) Certification that the applicant has  
21 established a dedicated toll-free telephone number for its  
22 customers and an internet website that makes available the  
23 names and addresses of all current air ambulance providers

1 with which the applicant has contracted directly or through  
2 a provider network.

3

4 (c) Upon receipt of an application, the commissioner  
5 shall review the application and shall notify the applicant  
6 of any deficiencies in the application not later than  
7 fourteen (14) days after receiving the application. Not  
8 more than ninety (90) days after receipt of an application  
9 containing all required information, the commissioner shall  
10 issue a certificate of registration to an applicant that  
11 has satisfied all requirements imposed by this article.

12

13 (d) A certificate of registration issued under this  
14 section shall be effective for one (1) year after the date  
15 of issuance unless renewed as provided by W.S. 26-43-  
16 303(a).

17

18 **26-43-303. Certificate of registration; renewal;**  
19 **suspension; revocation.**

20

21 (a) Not less than ninety (90) days before a  
22 certificate of registration expires, an air ambulance  
23 membership organization seeking to maintain its

1 registration shall submit a renewal application on a form  
 2 prescribed by the commissioner, the annual report required  
 3 under W.S. 26-43-307(a) and a renewal fee not to exceed  
 4 three hundred dollars (\$300.00). The commissioner shall  
 5 renew the certificate of registration for any air ambulance  
 6 membership organization that is in compliance with the  
 7 provisions of this article and any rules promulgated  
 8 pursuant to this article.

9

10 \*\*\*\*\*  
 11 \*\*\*\*\*

STAFF COMMENT

12  
 13  
 14 The Committee may wish to clarify what happens, if  
 15 anything, if an air ambulance membership organization fails  
 16 to renew before the specified time limit in subsection (a)  
 17 above.

18  
 19 \*\*\*\*\*  
 20 \*\*\*\*\*

21  
 22 (b) The commissioner may suspend or revoke a  
 23 certificate of registration after notice and a hearing held  
 24 in accordance with this article and the Wyoming  
 25 Administrative Procedure Act if the commissioner has  
 26 reasonable cause to believe that the air ambulance  
 27 membership organization:

28

1           (i) Is not operating in compliance with the  
2 provisions of this article;

3

4           (ii) Has advertised, merchandized or attempted to  
5 merchandise its services in such a manner as to  
6 misrepresent its services or capacity for service;

7

8           (iii) Has engaged in deceptive, misleading or  
9 unfair practices;

10

11           (iv) Is not fulfilling its obligations as an air  
12 ambulance membership organization; or

13

14           (v) Would be hazardous to the members of the air  
15 ambulance membership organization if continued operation  
16 were permitted.

17

18           (c) If the commissioner has reasonable cause under  
19 subsection (b) of this section, the commissioner shall  
20 notify the air ambulance membership organization in writing  
21 specifically stating the grounds for suspending or revoking  
22 a certificate of registration. The certificate holder may  
23 demand a hearing not later than thirty (30) days after

1 receipt of the notice. Any hearing held under this  
2 subsection shall be conducted pursuant to the Wyoming  
3 Administrative Procedure Act.

4

5 (d) Upon reasonable cause shown, the commissioner may  
6 suspend the authority of the air ambulance membership  
7 organization to enroll new members for a specified period  
8 of time not to exceed ninety (90) days. Any suspension  
9 under this subsection shall specify in writing any  
10 conditions the air ambulance membership organization shall  
11 meet before reinstatement of its authority to enroll new  
12 members.

13

14 \*\*\*\*\*  
15 \*\*\*\*\*

16 **STAFF COMMENT**

17

18 The Committee may wish to consider specifying what happens  
19 after 90 days for suspending enrollment of new members  
20 (i.e., whether that can be modified or if the suspension  
21 automatically terminates).

22

23 \*\*\*\*\*  
24 \*\*\*\*\*

25

26 (e) The commissioner may rescind or modify any  
27 suspension ordered under this section. Any modification  
28 that results in a suspension being extended or additional



1 conditions imposed on an air ambulance membership  
2 organization shall not take effect until after notice is  
3 given to the air ambulance membership organization and a  
4 hearing held in accordance with this article and the  
5 Wyoming Administrative Procedure Act is held.

6

7 (f) No certificate of registration of an air ambulance  
8 membership organization that has been suspended or revoked  
9 shall be reinstated unless requested by the air ambulance  
10 membership organization. The commissioner shall not grant  
11 the request for reinstatement if the commissioner finds by  
12 a preponderance of the evidence that the circumstances for  
13 which the suspension or revocation occurred still exist or  
14 are likely to recur.

15

16 (g) In lieu of a suspension or revocation of a  
17 certificate of registration, the commissioner may:

18

19 (i) Issue and serve upon an air ambulance  
20 membership organization a violation notice that includes  
21 the basis for the violation, and an order requiring the air  
22 ambulance membership organization to cease and desist from

1 engaging in the acts or practices that caused the issuance  
2 of the violation notice;

3

4 (ii) Impose a civil penalty of not more than one  
5 thousand dollars (\$1,000.00) for each violation.

6

7 (h) An air ambulance membership organization shall  
8 immediately notify the commissioner if a certificate of  
9 registration or other substantially similar authorization  
10 issued in another jurisdiction has been suspended, revoked  
11 or not renewed.

12

13 **26-43-304. Air ambulance membership organizations;**  
14 **powers and duties of the commissioner; rulemaking; costs.**

15

16 (a) The commissioner is authorized to:

17

18 (i) Examine or investigate the business and  
19 affairs of an air ambulance membership organization to  
20 protect the interests of Wyoming residents;

21

22 (ii) Order any air ambulance membership  
23 organization or applicant to produce any records, books,

1 files, advertising and solicitation materials and any other  
2 information the commissioner deems necessary to ensure  
3 compliance with this article;

4

5 (iii) Take statements under oath to determine  
6 whether the air ambulance membership organization or an  
7 applicant is in violation of the provisions of this article  
8 or is acting contrary to the public interest.

9

10 (b) The air ambulance membership organization or  
11 applicant subject to any examination or investigation under  
12 this section shall be responsible for all costs of the  
13 examination or investigation.

14

15 (c) The commissioner shall promulgate any rules  
16 necessary to carry out the provisions of this article.

17

18 **26-43-305. Charges authorized; written agreements**  
19 **required; cancellation of memberships; duties.**

20

21 (a) An air ambulance membership organization may  
22 assess a periodic charge and a reasonable one-time  
23 application processing fee to its members.

1

2 (b) All agreements for memberships of an air ambulance  
3 membership organization shall be provided in writing to  
4 each member. An air ambulance membership organization shall  
5 have an agreement in writing with each air ambulance  
6 provider offering air ambulance services to its members.  
7 The written provider agreement may be entered into directly  
8 with the provider or with an entity that hires or  
9 represents the provider.

10

11 (c) A member of an air ambulance membership  
12 organization's plan shall have the right to cancel his  
13 membership in the plan at any time. If the member cancels  
14 his membership not later than thirty (30) days after  
15 signing an agreement to join a plan, the air ambulance  
16 membership organization shall refund to the member any one-  
17 time charges that exceed thirty dollars (\$30.00) and all  
18 periodic charges. For purposes of this subsection,  
19 cancellation occurs when notice of cancellation is mailed  
20 or otherwise delivered to the air ambulance membership  
21 organization.

22

1 (d) If an air ambulance membership organization  
2 cancels a membership for any reason other than nonpayment  
3 of charges by a member, the air ambulance membership  
4 organization shall issue a pro rata refund of all periodic  
5 charges to the member.

6

7 (e) An air ambulance membership organization or  
8 marketer who sells memberships for an air ambulance  
9 membership organization shall disclose all charges for each  
10 air ambulance membership organization membership in writing  
11 to all prospective members.

12

13 **26-43-306. Violations; unfair trade practices;**  
14 **penalties; restitution.**

15

16 (a) A violation of this article shall be an unfair  
17 trade practice under the Unfair Trade Practices Act.

18

19 \*\*\*\*\*  
20 \*\*\*\*\*

21 **STAFF COMMENT**

22

23 **The Unfair Trade Practices Act, W.S. 26-13-101 through 26-**  
24 **13-125, prohibits any trade practice that is an unfair**  
25 **method of competition or is deceptive or unfair in the**  
26 **business of insurance.**

27

1 \*\*\*\*\*  
 2 \*\*\*\*\*  
 3

4 (b) In addition to any penalties and other enforcement  
 5 of this article, any person who willfully violates any  
 6 provision of this act may be subject to a civil penalty not  
 7 to exceed one thousand dollars (\$1,000.00) for each willful  
 8 violation.

9  
 10 (c) A person who willfully operates or aids and abets  
 11 another person in operating as an air ambulance membership  
 12 organization in violation of the provisions of this article  
 13 shall be guilty of a misdemeanor punishable by a fine of  
 14 not more than one thousand dollars (\$1,000.00),  
 15 imprisonment for not more than six (6) months, or both.

16  
 17 (d) A person who collects fees for purported  
 18 membership in an air ambulance membership organization and  
 19 intentionally fails to provide the promised benefits shall  
 20 be guilty of a misdemeanor punishable by a fine of not more  
 21 than one thousand dollars (\$1,000.00), imprisonment for not  
 22 more than six (6) months, or both. In addition to the  
 23 penalties specified in this subsection, a person guilty of

1 the offense specified in this subsection shall make  
2 restitution to any person injured by the violation.

3

4 **26-43-307. Reporting requirements; notice to**  
5 **commissioner; penalties.**

6

7 (a) Not less than ninety (90) days before expiration  
8 of a certificate of registration, an air ambulance  
9 membership organization seeking renewal of its certificate  
10 of registration shall submit an annual report to the  
11 commissioner in a form prescribed by the commissioner. The  
12 report shall include:

13

14 (i) An updated list of the names and addresses of  
15 all air ambulance providers or air ambulance service  
16 providers responsible for the conduct of the air ambulance  
17 membership organization's affairs along with disclosure of  
18 the extent and nature of any contracts or arrangements with  
19 those persons, including any possible conflicts of  
20 interest;

21

1           (ii) The number of members in Wyoming who are  
2 enrolled in any membership offered by the air ambulance  
3 membership organization;

4

5           (iii) A list of any membership agreements  
6 currently active or entered into with a governmental entity  
7 in Wyoming that provides membership of the air ambulance  
8 membership organization to all residents of that  
9 governmental entity. As used in this paragraph,  
10 "governmental entity" means the governing body of a county  
11 or municipality in Wyoming;

12

13           (iv) Any other information related to the  
14 performance of the air ambulance membership organization as  
15 required by the commissioner.

16

17           (b) An air ambulance membership organization seeking  
18 renewal that fails to file an annual report in the form or  
19 before the deadline specified in subsection (a) of this  
20 section shall be ineligible for renewal until any  
21 deficiency is remedied and upon renewal shall forfeit:

22



1           (i) Five hundred dollars (\$500.00) each day for  
2 the first ten (10) days during which the violation  
3 continues;

4

5           (ii) One thousand dollars (\$1,000.00) each day  
6 after the first ten (10) days during which the violation  
7 continues.

8

9           (c) Upon notice by the commissioner, an air ambulance  
10 membership organization failing to comply with subsection  
11 (a) of this section shall lose its authority to enroll new  
12 members or to do business in Wyoming if the violation  
13 continues beyond a time specified by the commissioner.

14

15           (d) An air ambulance membership organization shall  
16 provide the commissioner notice of any change in the  
17 organization's name, address, telephone number, address for  
18 the principal place of business, mailing address or  
19 internet website address not less than thirty (30) days  
20 before making the change.

21

22           **26-43-308. Advertisements; marketing; required**  
23 **disclosures.**

1

2 (a) All advertisements, marketing materials,  
3 brochures, air ambulance membership cards, presentations  
4 and any other communications of an air ambulance membership  
5 organization shall be truthful and not misleading in fact  
6 or in implication.

7

8 (b) An air ambulance membership organization  
9 advertising or marketing its memberships to Wyoming  
10 residents shall:

11

12 (i) Submit all written advertisements and  
13 marketing materials to the commissioner for review for  
14 compliance with this article;

15

16 (ii) Not use the following terms in its  
17 advertisements or marketing: insurance, health plan, copay,  
18 copayment, deductible, premium, preferred provider  
19 organization or any other term that the commissioner  
20 designates by rule that could reasonably mislead a person  
21 into believing that the air ambulance membership plan is  
22 insurance;

23

1           (iii) Not use language in its advertisements,  
2 marketing materials, brochures or presentations with  
3 respect to being licensed or registered by a state  
4 insurance department or with respect to being provided by a  
5 governmental entity in a manner that could reasonably  
6 mislead an individual into believing that the air ambulance  
7 membership plan is insurance or has been endorsed by the  
8 state or any Wyoming governmental entity;

9

10           (iv) Not have restrictions on access to air  
11 ambulance membership organizations, including waiting  
12 periods and notification periods.

13

14           (c) An air ambulance membership organization shall  
15 make the following general disclosures in writing in bold  
16 and not less than twelve (12) point font on the first  
17 content page of any advertisement, marketing material or  
18 brochure made available to prospective members or the  
19 public:

20

21           (i) The plan is a membership plan and is not  
22 insurance coverage;

23

1           (ii) The range of discounts for air ambulance  
2 services provided under the membership will vary depending  
3 on the provider and the services offered;

4

5           (iii) The toll-free number and internet website  
6 address for the air ambulance membership organization where  
7 prospective members can obtain additional information about  
8 the services offered by the air ambulance membership  
9 organization.

10

11          (d) An air ambulance membership organization shall  
12 provide the disclosures required by subsection (c) of this  
13 section orally to any person who makes initial contact with  
14 an air ambulance membership organization by telephone.

15

16          (e) Before entering into an agreement with a  
17 prospective member for the prospective member to join the  
18 air ambulance membership organization, the air ambulance  
19 membership organization shall provide a separate document  
20 in bold and not less than fourteen (14) point font for the  
21 prospective member to sign that contains the following  
22 disclosures:

23

1           (i) That the air ambulance membership is not  
2 insurance coverage;

3

4           (ii) That, if eligible and covered under  
5 Medicare, the prospective member may already be covered for  
6 air ambulance services and should consult with a  
7 representative of the Medicare program to determine what  
8 services may be available under Medicare;

9

10           (iii) That the prospective member may be covered  
11 by an air ambulance membership organization under a  
12 membership provided by a governmental entity. In making  
13 this disclosure, the air ambulance membership organization  
14 shall consult with the commissioner to determine whether  
15 the person resides in a county or municipality that has  
16 entered into an agreement with any air ambulance membership  
17 organization registered in Wyoming and shall disclose that  
18 fact in the disclosure if a prospective member is covered;

19

20           (iv) A detailed list of all one-time and periodic  
21 fees that are and will be charged to the prospective member  
22 to join the air ambulance membership organization;

23

1           (v) The service area of the air ambulance  
 2 membership organization, including a list of all areas by  
 3 county and municipality where the air ambulance membership  
 4 organization would not provide service to its members;

5

6           (v) That, in an emergency and if the prospective  
 7 member is outside of the air ambulance membership  
 8 organization's service area, air ambulance services may be  
 9 provided by another air ambulance provider or air ambulance  
 10 membership organization, and the benefits of the air  
 11 ambulance membership organization that the prospective  
 12 member is joining may not apply to the services provided by  
 13 another air ambulance provider.

14

15 \*\*\*\*\*

16 \*\*\*\*\*

17

STAFF COMMENT

18

19 Per the Committee's direction when it moved for this bill  
 20 draft, this bill draft is based on language from Nebraska's  
 21 statutes authorizing air ambulance membership  
 22 organizations. The Committee may wish to consider whether  
 23 the following provisions, also based on Nebraska law,  
 24 should be included in this bill draft:

25

- 26       • Requirements for maintaining provider agreements on
- 27       the organization's website.
- 28       • Whether other marketing, advertising, and disclosure
- 29       provisions should be included.
- 30       • Changes in information and notice to the commissioner.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

The Committee may also wish to consider whether a separate section is needed to authorize the insurance commissioner to promulgate rules to implement this bill.

\*\*\*\*\*  
\*\*\*\*\*

Section 2. W.S. 26-1-104(a) by creating a new paragraph (vii) and 26-5-103(a)(ii) are amended to read:

**26-1-104. Applicability of provisions.**

(a) This code does not apply to:

(vii) Air ambulance membership organizations as identified in chapter 43, article 3 of this code, except as otherwise specifically provided in this title.

**26-5-103. "Disability insurance" defined.**

(a) Disability insurance is insurance of any kind on human beings against:

1           (ii)       Disablement or expense resulting from  
2 sickness, ~~including subscription or membership plans~~  
3 ~~relating to air ambulance transport services.~~

4

5           **Section 3.** This act is effective July 1, 2021.

6

7

(END)