

SENATE FILE NO. SF0133

Health care access.

Sponsored by: Senator(s) Rothfuss and Representative(s)
Connolly

A BILL

for

1 AN ACT relating to health care; creating a medical assistance
2 buy in program; creating a medical assistance prescription
3 drug program for insurers; requiring the department of health
4 to conduct outreach to specified persons regarding
5 contraceptive services and supplies; requiring the submission
6 of a federal waiver application relating to a medical
7 assistance buy in program; requiring specified actions
8 relating to the expansion of medical assistance and the child
9 health insurance program; requiring studies and reports;
10 requiring specified actions to promote telemedicine;
11 requiring the adoption of rules; and providing for an
12 effective date.

13

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

15

1 **Section 1.** W.S. 42-4-123, 42-4-124 and 42-5-103 are
2 created to read:

3

4 **42-4-123. Medical assistance buy in program; standards;**
5 **promulgation of rules.**

6

7 (a) To the extent authorized by federal law, the
8 department shall make coverage through medical assistance
9 available for purchase to persons:

10

11 (i) Through an application made to the department
12 in a manner established by rule;

13

14 (ii) Through the federal health benefits exchange
15 established by the United States department of health and
16 human services pursuant to the Patient Protection and
17 Affordable Care Act, P.L. 111-148, as amended, if the
18 secretary of the United States department of health and human
19 services or the secretary of the United States department of
20 the treasury, as applicable, grants any necessary waiver
21 under 42 U.S.C. § 18052.

22

1 (b) The monthly premium charged to a person who
2 purchases coverage under medical assistance shall be set by
3 the department at an amount not more than that which allows
4 the program established pursuant to this section to fund all
5 necessary expenses and remain actuarially sound. The
6 department may determine premiums based on age. The
7 department shall maintain an appropriate reserve and may
8 impose a limited copayment, coinsurance or other cost sharing
9 requirement to fund a reserve.

10

11 (c) A person who purchases coverage under this section
12 shall receive the same benefits as those received by persons
13 who are determined to be eligible for medical assistance under
14 any other section of this chapter, the state plan for medical
15 assistance and federal law.

16

17 (d) The purchase of coverage under this section shall
18 only take place during an annual open enrollment period fixed
19 by the department pursuant to rule.

20

21 (e) The department shall allow employers to make a
22 contribution toward the premium established under subsection
23 (b) of this section on behalf of an employee, if the employee

1 chooses, in writing, to forgo enrollment in any private health
2 benefit plan offered to the employee by the employer. If the
3 secretary of the United States department of health and human
4 services grants any necessary waiver, the department shall
5 notify an employer subject to 26 U.S.C. § 4980H who makes a
6 substantial contribution under this subsection that the
7 requirements of that section have been waived with respect to
8 that employer, except that this requirement shall not apply
9 if 26 U.S.C. § 4980H or the imposition contained within that
10 section is repealed.

11

12 (f) The department shall not use any federal funds to
13 implement this section, unless authorized by federal law,
14 including any waiver.

15

16 (g) If the standards of subsection (f) of this section
17 are met, any funds obtained by the state of Wyoming from a
18 federal waiver shall be used to implement this section.

19

20 (h) Notwithstanding any other provision of law, a
21 person who purchases coverage through medical assistance
22 under this section shall not be subject to the following
23 provisions:

1

2 (i) W.S. 42-2-401 through 42-2-405 and any other
3 eligibility criteria relating to medical assistance which is
4 not contained in this section and is not required by federal
5 law; and

6

7 (ii) W.S. 42-4-106(b) and 42-4-201 through
8 42-4-208.

9

10 (j) A person shall not be eligible to purchase coverage
11 through this section if the person is eligible for medical
12 assistance under any other section of this chapter or if the
13 person is enrolled in a private health benefit plan for the
14 period in which the person is seeking to purchase coverage
15 under this section.

16

17 (k) The department shall adopt rules to implement this
18 section.

19

20 (m) As used in this subsection, "private health benefit
21 plan" means as defined in W.S. 26-1-102(a)(xxxiii).

22

1 **42-4-124. Medical assistance prescription drug program**
2 **for insurers; standards; promulgation of rules.**

3
4 (a) The department shall make prescription drug
5 services under medical assistance, which may include the
6 purchase of prescription drugs or services otherwise provided
7 by a pharmacy benefit manager, available for a fee to any
8 insurer issuing a private health benefit plan. As used in
9 this subsection, "private health benefit plan" means as
10 defined in W.S. 26-1-102(a)(xxxiii).

11
12 (b) The fee for services made available pursuant to
13 subsection (a) of this section shall be set by the department
14 at an amount not more than that which ensures the program
15 established pursuant to this section can fund all necessary
16 expenses, is actuarially sound and maintains an appropriate
17 reserve.

18
19 (c) No federal funds shall be used to implement or
20 operate this section.

21
22 (d) The department shall promulgate rules to implement
23 this section.

1

2 (e) As used in this section, "pharmacy benefit manager"
3 means an entity that contracts with a pharmacy on behalf of
4 an insurer or third party administrator to administer or
5 manage prescription drug benefits.

6

7 **42-5-103. Outreach to specified persons regarding**
8 **contraceptive services and supplies.**

9

10 (a) The department of health shall periodically conduct
11 outreach to persons between thirteen (13) and eighteen (18)
12 years of age who receive coverage through medical assistance
13 pursuant to W.S. 42-4-101 through 42-4-122, or through the
14 child health insurance program pursuant to W.S. 35-25-101
15 through 35-25-108, and the parents or legal guardians of these
16 persons, regarding the availability of contraceptive services
17 and supplies under those programs.

18

19 (b) The department of health shall promote the use of
20 long acting reversible contraceptives to community health
21 organizations and to persons who receive coverage through
22 medical assistance and the child health insurance program,

1 including as a component of the outreach conducted under
2 subsection (a) of this section.

3

4 **Section 2.**

5

6 (a) The department of health shall apply to the
7 secretary of the United States department of health and human
8 services and the secretary of the United States department of
9 the treasury, as applicable, for any waiver necessary under
10 42 U.S.C. § 1315 or 18052 to implement W.S. 42-4-123, as
11 created by this act, including to allow:

12

13 (i) Coverage under medical assistance to be made
14 available for purchase on the federal health benefits
15 exchange established by the United States department of
16 health and human services pursuant to the Patient Protection
17 and Affordable Care Act, P.L. 111-148, as amended, by a person
18 who seeks coverage under W.S. 42-4-123, as created by this
19 act;

20

21 (ii) A person who is determined eligible pursuant
22 to 45 C.F.R. § 155.305 for advance premium tax credits and
23 cost sharing reductions, if available, to use those credits

1 and reductions to apply toward the purchase of coverage
2 through medical assistance on the federal health benefits
3 exchange in the manner set forth in W.S. 42-4-123, provided
4 that, any cost sharing reductions made available under this
5 paragraph shall be made available to the department of health
6 to make coverage available under W.S. 42-4-123;

7

8 (iii) An employer to make a contribution toward
9 the premium established under W.S. 42-4-123(b) on behalf of
10 an employee and for a substantial contribution to satisfy the
11 requirements of 26 U.S.C. § 4980H, provided that no waiver
12 relating to the satisfaction of 26 U.S.C. § 4980H shall be
13 sought if that section or the imposition contained within
14 that section is repealed;

15

16 (iv) If applicable, the state of Wyoming to use
17 any federal funds made available from the implementation of
18 this waiver to administer W.S. 42-4-123.

19

20 **Section 3.**

21

22 (a) The director of the department of health, in
23 consultation with the governor and the insurance

1 commissioner, shall collaborate with the secretary of the
2 United States department of health and human services and the
3 centers for Medicare and Medicaid services to explore options
4 for the expansion of:

5

6 (i) Medical assistance eligibility to one hundred
7 thirty-three percent (133%) of the federal poverty level,
8 plus any applicable income disregard, as authorized by 42
9 U.S.C. § 1396a(a)(10)(A)(i)(VIII); and

10

11 (ii) Child health insurance program eligibility to
12 three hundred percent (300%) of the federal poverty level,
13 plus any applicable income disregard, as authorized by 42
14 U.S.C. § 1397ee.

15

16 (b) If the collaboration required by subsection (a) of
17 this section reveals viable and fiscally advantageous options
18 for the expansion of medical assistance or child health
19 insurance program eligibility in Wyoming, the director of the
20 department of health, with the consent of the governor, is
21 authorized to pursue necessary and prudent state plan
22 amendments and federal waivers for expansion.

23

1 (c) Prior to making an application to expand
2 eligibility under a program pursuant to subsection (b) of
3 this section, the director of the department of health shall
4 provide written notice to the speaker of the house of
5 representatives and the president of the senate. The director
6 also shall provide a report to the joint labor, health and
7 social services interim committee and the joint
8 appropriations committee detailing the reasons for any
9 proposed expansion, the means by which any proposed expansion
10 may be approved, any necessary funding and the reasons that
11 any expansion is viable and fiscally advantageous for
12 Wyoming. The notice and report required under this subsection
13 shall be submitted as soon as reasonably possible after an
14 application is submitted under subsection (b) of this
15 section.

16

17 (d) This section is repealed on the date a repeal of 42
18 U.S.C. § 1396a(a)(10)(A)(i)(VIII) is enacted into law. No
19 expansion under this section shall take place after January
20 1, 2021.

21

22 **Section 4.**

23

1 (a) The department of health shall study the following
2 topics and issue reports to the joint labor, health and social
3 services interim committee by the dates specified:
4

5 (i) Not later than October 1, 2019, study the
6 current quality and availability of telemedicine in Wyoming
7 and strategies for improving this service, consistent with
8 section 5 of this act;
9

10 (ii) Not later than October 1, 2019, study
11 opportunities for pharmacists to provide limited primary care
12 services, including vaccinations, treatments for the common
13 cold and minor forms of influenza, as well as testing for
14 common maladies;
15

16 (iii) Not later than May 1, 2020, study the
17 benefits of establishing a medicare advantage health
18 insurance plan administered by the state of Wyoming and the
19 potential effects of a plan on long-term care costs in this
20 state;
21

1 (iv) Not later than July 1 of each year from 2020
2 through 2029, provide an update on the implementation of W.S.
3 42-4-123 and 42-4-124, as created by this act.

4

5 **Section 5.** The department of health shall, if feasible,
6 take any necessary steps to improve the quality and
7 availability of telemedicine in Wyoming, including working
8 with community health organizations to increase awareness and
9 adjusting health care provider reimbursement rates under
10 medical assistance. The department shall inform the joint
11 labor, health and social services interim committee in
12 writing of any actions taken pursuant to this section.

13

14 **Section 6.**

15

16 (a) Sections 2 and 3 are effective immediately upon
17 completion of all acts necessary for a bill to become law as
18 provided by Article 4, Section 8 of the Wyoming Constitution.

19

20 (b) Except as provided in subsection (a) of this
21 section, this act is effective July 1, 2019.

22

23

(END)