

HOUSE BILL NO. HB0083

Health care cost control.

Sponsored by: Representative(s) Stith, Hallinan and
MacGuire and Senator(s) Boner, Kolb and
Steinmetz

A BILL

for

1 AN ACT relating to health care services; prohibiting the
2 delivery of health care services as specified on more
3 favorable terms or conditions for insured than for
4 uninsured persons; imposing civil liability for alleged
5 violations by health care service providers; amending the
6 Wyoming Governmental Claims Act accordingly; providing
7 definitions; and providing for an effective date.

8

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

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11 **Section 1.** W.S. 35-2-122 is created to read:

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13 **35-2-122. Health care service price parity for**
14 **insured and uninsured persons; remedies.**

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1 (a) No health care service provider shall charge or
2 attempt to collect from a patient who is not receiving
3 services or benefits under a private health benefit plan a
4 price higher than, or on terms and conditions less
5 favorable than, the lowest price and most favorable terms
6 that the health care service provider would have accepted
7 as full payment in connection with any patient receiving
8 services or benefits under a private health benefit plan,
9 for the delivery of the same or substantially similar
10 health care services during the relevant time period.

11

12 (b) Any person who received a health care service
13 delivered by a health care service provider in
14 contravention of subsection (a) of this section may bring a
15 civil action against the health care service provider to
16 recover damages, to include treble damages, which the
17 person sustained as a result of the violation of subsection
18 (a) of this section by the health care service provider. A
19 violation of this section by a health care service provider
20 shall not constitute a cognizable claim under any legal
21 theory alleging medical malpractice.

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23 (c) As used in this section:

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2 (i) "Health care service" includes the
3 furnishing of medicine, medical or surgical treatment,
4 nursing, hospital service, complementary health services or
5 any other necessary services of like character, whether or
6 not contingent upon sickness or personal injury, as well as
7 the furnishing to any person of any and all other services
8 and goods for the purpose of preventing, alleviating,
9 curing or healing human illness, physical disability or
10 injury;

11

12 (ii) "Health care service provider" means a
13 person who is licensed, certified or otherwise authorized
14 or permitted by the laws of this state to furnish health
15 care services in the ordinary course of business or
16 practice of a profession;

17

18 (iii) "Private health benefit plan" means as
19 defined by W.S. 26-1-102(a)(xxxiii).

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21 (d) This section shall apply to negotiated private
22 health benefit plan agreements between any health care
23 service provider and any insurer under title 26 of Wyoming

1 statutes but shall not be construed to disallow differing
2 incentives, reimbursement rates or other terms and
3 conditions among negotiated private health benefit plan
4 group health insurance agreements entered by health care
5 service providers.

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7 **Section 2.** W.S. 1-39-109 by creating a new subsection
8 (c) is amended to read:

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10 **1-39-109. Liability; medical facilities.**

11

12 (c) A governmental entity is liable for damages
13 resulting from a violation under W.S. 35-2-122 by a public
14 health care service provider as defined by W.S.
15 35-2-122(c)(ii).

16

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

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19

(END)