



HB0014

Prior authorization regulations.

Sponsored By: Joint Labor, Health & Social Services Interim Committee

AN ACT relating to the insurance code; requiring health insurers and contracted utilization review entities to follow prior authorization regulations as specified; providing definitions; requiring rulemaking; and providing for effective dates.

12/7/2023 Bill Number Assigned
1/11/2024 Bill Number Assigned
1/24/2024 H Received for Introduction
2/12/2024 H Introduced and Referred to H10 - Labor 56-4-2-0-0

ROLL CALL

Ayes: Representative(s) Allemand, Allred, Andrew, Banks, Bear, Berger, Brown, Burkhart, Jr, Byron, Chadwick, Chestek, Clouston, Conrad, Crago, Davis, Eklund, Haroldson, Harshman, Heiner, Henderson, Hornok, Knapp, Larsen, Lloyd, Lawley, Locke, Neiman, Newsome, Nicholas, Niemiec, Northrup, Oakley, Obermueller, O'hearn, Olsen, Ottman, Pendergraft, Penn, Provenza, Rodriguez-Williams, Sherwood, Singh, Smith, Speaker Sommers, Stith, Storer, Strock, Tarver, Trujillo, Walters, Ward, Washut, Western, Wylie, Yin, Zwonitzer, Dan, Zwonitzer, Dave

Nays: Representative(s) Jennings, Slagle, Styvar, Winter

Excused: Representative(s) Angelos, Larson, Jt

Ayes 56 **Nays** 4 **Excused** 2 **Absent** 0 **Conflicts** 0

2/14/2024 H10 - Labor:Recommend Amend and Do Pass 9-0-0-0-0

ROLL CALL

Ayes: Representative(s) Chadwick, Clouston, Hornok, O'hearn, Penn, Trujillo, Ward, Yin, Zwonitzer

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

2/14/2024 H Placed on General File

HB0014HS001/ADOPTED

Page 1-line 9 After "through" insert "26-55-112 and".

Page 2-line 9 Delete "patient-physician" and insert "patient-provider".

Page 6-after line 15 Insert and renumber as necessary:

"(xi) "Step therapy protocol" means an evidence-based protocol or program that establishes the specific sequence in which prescription drugs for a specified medical condition are deemed medically appropriate for a particular patient and are covered by a health insurer or health benefit plan;

(xii) "Health care provider" means a person licensed, registered or certified under federal or state laws or regulations to provide health care services;"

Page 6-line 17 Delete "(xi)" and insert "(xiii)".

Page 7-line 4 Delete "professionals" and insert "providers".

Page 8-line 20 Delete "physician" and insert "health care provider".

Page 9-line 22 Delete "professional" and insert "provider".

Page 10-line 1 Delete "a specific" and insert "an applicable".

Page 10-after line 9 Insert:

"(iv) Knowledge of the applicable person's medical history and diagnosis.".

Page 10-line 11 Delete "**prior to**" and insert "**after**".

Page 10-lines 14 and 15 Delete entirely.

Page 10-line 16 Delete line through "service" and insert "After issuing an adverse determination".

Page 10-line 17 Delete "notify the" and insert "provide the opportunity to the health care provider".

Page 10-lines 18 through 21 Delete entirely.

Page 10-line 22 Delete "opportunity".

Page 10-line 23 After "who" insert "has decision making authority and".

Page 11-line 2 After "review." insert "The health insurer or contract utilization review entity shall attempt to schedule the discussion within five (5) business days after the health care provider's request.".

Page 11-line 10 Delete "professional" and insert "provider".

Page 11-line 12 Delete "a specific" and insert "an applicable".

Page 13-line 16 Delete "business" and insert "calendar".

Page 14-line 6 Delete "twenty-four (24)" and insert "seventy-two (72)".

Page 14-line 11 Delete "twenty-four (24)" and insert "seventy-two (72)".

Page 15-lines 6 through 12 Delete entirely and insert:

"(a) Each authorization shall have the following timelines:

(i) Outpatient service prior authorizations shall be valid for a period of not less than one (1) year;

(ii) Prescription drug authorization periods shall be effective for a period of not less than one (1) year including changes in dosage for a prescription drug prescribed by a health care provider, provided that the

authorization period and dosage change are consistent with dosing and duration according to evidence based guidelines for safety and efficacy;

(iii) Prior authorizations for inpatient services shall be valid for a length of time based on the patient's clinical condition. This period will be not less than one (1) day."

Page 17-after line 10 Insert:

"(d) No enrollee shall be required to repeat a step therapy protocol if that enrollee, while under their current or a previous health benefit plan, used the prescription drug required by the step therapy protocol, or another prescription drug in the same pharmacologic class with a similar efficacy and side effect profile or with the same mechanism of action, and discontinued use due to lack of efficacy, effectiveness, an adverse event or contraindication. The enrollee's prescribing provider shall submit justification and clinical information, if requested, that demonstrates a clinically valid reason for why the covered prescribed drug is needed and documentation of completion of previous step therapy protocols for the prescribed drug.

26-55-114. Prior authorization for rehabilitative or habilitative services.

(a) A health insurer or contracted utilization review entity shall not require prior authorization for rehabilitative or habilitative services including, but not limited to, physical therapy services or occupational therapy services for the first twelve (12) visits for each new episode of care. For purposes of this subsection, "new episode of care" means treatment for a new condition or treatment for a recurring condition that an enrollee has not been treated within the previous ninety (90) days.

(b) This section does not limit the right of a health insurer or contracted utilization review entity to deny a claim when an appropriate prospective or retrospective review concludes that the health care services were not medically necessary.

Section 2. W.S. 26-55-113 is created to read:".

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|-----------------|---|
| Page 17-line 15 | After "provider" insert ", as identified by a unique national physician identifier,"; after "granted" delete "an" and insert "a twelve (12) month or one (1) year". |
| Page 17-line 17 | After "service" insert ", excluding the practice of pharmacy and prescription drugs,". |
| Page 17-line 21 | Delete "eighty percent (80%)" and insert "ninety percent (90%)". |
| Page 17-line 22 | After "requests" insert ", rounded down to the nearest whole number,". |
| Page 18-line 10 | After "section" insert "." and delete balance of line. |
| Page 18-line 11 | Delete line through "months.". |

Page 19-line 14 Delete "eighty percent (80%)" and insert "ninety percent (90%), rounded down to the nearest whole number,".

Page 19-line 17 After "applies" insert ";" and delete balance of line.

Page 19-lines 18 and 19 Delete entirely.

Page 22-lines 8 through 23 Delete entirely.

Page 23-lines 1 and 2 Delete entirely.

Page 23-line 4 Delete "Section 2." and insert "Section 3.".

Page 23-line 7 Delete "Section 3." and insert "Section 4.".

Page 23-line 9 Delete "subsection (b)" and insert "subsections (b) and (c)".

Page 23-after line 10 Insert:

"(b) Section 2 of this act is effective January 1, 2026.".

Page 23-line 12 Delete line through "3" and insert "(c) Sections 3 and 4". ZWONITZER, DN, CHAIRMAN

2/15/2024 H COW:Passed
2/16/2024 H 2nd Reading:Passed
2/19/2024 H 3rd Reading:Passed 61-0-1-0-0

ROLL CALL

Ayes: Representative(s) Allemand, Allred, Andrew, Angelos, Banks, Bear, Berger, Brown, Burkhart, Jr, Byron, Chadwick, Chestek, Clouston, Conrad, Crago, Davis, Eklund, Haroldson, Harshman, Heiner, Hornok, Jennings, Knapp, Larsen, Lloyd, Larson, Jt, Lawley, Locke, Neiman, Newsome, Nicholas, Niemiec, Northrup, Oakley, Obermueller, O'hearn, Olsen, Ottman, Pendergraft, Penn, Provenza, Rodriguez-Williams, Sherwood, Singh, Slagle, Smith, Speaker Sommers, Stith, Storer, Strock, Styvar, Tarver, Trujillo, Walters, Ward, Washut, Western, Winter, Wylie, Yin, Zwonitzer, Dan, Zwonitzer, Dave

Excused: Representative Henderson

Ayes 61 **Nays** 0 **Excused** 1 **Absent** 0 **Conflicts** 0

2/19/2024 S Received for Introduction
2/20/2024 S Introduced and Referred to S10 - Labor
2/23/2024 S10 - Labor:Recommend Amend and Do Pass 5-0-0-0-0

ROLL CALL

Ayes: Senator(s) Baldwin, Barlow, Bouchard, Dockstader, Hutchings

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

2/23/2024 S Placed on General File

HB0014SS001/ADOPTED (TO ENGROSSED COPY)

Page 1-line 4 Delete "providing legislative findings;".

Page 1-line 9 Delete "26-55-112" and insert "26-55-111".

Page 1-line 10 Delete "26-55-114" and insert "26-55-113".

Page 2-lines 5 through 15 Delete entirely and renumber as necessary.

Page 2-line 17 Delete "**26-55-103**" and insert "**26-55-102**".

Page 7-line 6 Delete "26-55-114" and insert "26-55-113".

Page 7-line 8 Delete "**26-55-104**" and insert "**26-55-103**".

Page 10-line 2 Delete "**26-55-105**" and insert "**26-55-104**".

Page 10-line 15 After "(iii)" insert "unless otherwise required under Wyoming law,".

Page 10-line 16 Delete "medical".

Page 11-line 1 Delete "**26-55-106**" and insert "**26-55-105**".

Page 11-line 15 Delete "**26-55-107**" and insert "**26-55-106**".

Page 13-line 18 Delete "**26-55-108**" and insert "**26-55-107**".

Page 14-line 8 Delete "**26-55-109**" and insert "**26-55-108**".

Page 15-line 6 Delete "**26-55-110**" and insert "**26-55-109**".

Page 15-line 13 Delete "**26-55-111**" and insert "**26-55-110**".

Page 17-line 7 Delete "**26-55-112**" and insert "**26-55-111**".

Page 19-line 4 Delete "**26-55-114**" and insert "**26-55-113**".

Page 19-line 23 Delete "26-55-113" and insert "26-55-112".

Page 20-line 2 Delete "**26-55-113**" and insert "**26-55-112**".

Page 20-line 6 Delete "physician" and insert "provider". BALDWIN,
CHAIRMAN

2/26/2024 S COW:Passed
 2/27/2024 S 2nd Reading:Passed
 2/28/2024 S 3rd Reading:Passed 31-0-0-0-0

ROLL CALL

Ayes: Senator(s) Anderson, Baldwin, Barlow, Biteman, Boner, Bouchard, Brennan, Case, Cooper, Dockstader, Ellis, French, Furphy, Gierau, Hicks, Hutchings, Ide, Jones, Kinskey, Kolb, Landen, Laursen, Mckeown, Nethercott, Pappas, President Driskill, Rothfuss, Salazar, Schuler, Scott, Steinmetz

Ayes 31 **Nays** 0 **Excused** 0 **Absent** 0 **Conflicts** 0

2/28/2024 H Received for Concurrence
 2/28/2024 H Concur:Passed 61-0-1-0-0

ROLL CALL

Ayes: Representative(s) Allemand, Allred, Angelos, Banks, Bear, Berger, Brown, Burkhardt, Jr, Byron, Chadwick, Chestek, Clouston, Conrad, Crago, Davis, Eklund,

Haroldson, Harshman, Heiner, Henderson, Hornok, Jennings, Knapp, Larsen, Lloyd, Larson, Jt, Lawley, Locke, Neiman, Newsome, Nicholas, Niemiec, Northrup, Oakley, Obermueller, O'hearn, Olsen, Ottman, Pendergraft, Penn, Provenza, Rodriguez-Williams, Sherwood, Singh, Slagle, Smith, Speaker Sommers, Stith, Storer, Strock, Styvar, Tarver, Trujillo, Walters, Ward, Washut, Western, Winter, Wylie, Yin, Zwonitzer, Dan, Zwonitzer, Dave

Excused: Representative Andrew

Ayes 61 **Nays** 0 **Excused** 1 **Absent** 0 **Conflicts** 0

2/28/2024 Assigned Number HEA No. 0014
2/29/2024 H Speaker Signed HEA No. 0014
2/29/2024 S President Signed HEA No. 0014
3/4/2024 Governor Signed HEA No. 0014
3/4/2024 Assigned Chapter Number 19

Chapter No. 19 Session Laws of Wyoming 2024