



**Certification Page
Regular and Emergency Rules**
Revised May 2014

Emergency Rules *(After completing all of Sections 1 and 2, proceed to Section 5 below)*

Regular Rules

<u>1. General Information</u>			
a. Agency/Board Name Department of Insurance			
b. Agency/Board Address 106 East 6th Avenue		c. City Cheyenne	d. Zip Code 82001
e. Name of Contact Person Heather Canarecci		f. Contact Telephone Number 307-777-6916	
g. Contact Email Address heather.canarecci1@wyo.gov		h. Adoption Date May 30, 2014	
i. Program			
<u>2. Rule Type and Information:</u> For each chapter listed, indicate if the rule is New, Amended, or Repealed.			
If "New," provide the Enrolled Act numbers and years enacted:			
c. Provide the Chapter Number, Short Title, and Rule Type of Each Chapter being Created/Amended/Repealed <i>(Please use the Additional Rule Information form for more than 10 chapters, and attach it to this certification)</i>			
Chapter Number: 65	Chapter Name: Regulation Governing the Sale of Out-of-State Health Insurance Policies	<input checked="" type="checkbox"/> New	<input type="checkbox"/> Amended <input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended <input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended <input type="checkbox"/> Repealed
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Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended <input type="checkbox"/> Repealed
d. <input checked="" type="checkbox"/> The Statement of Reasons is attached to this certification.			
e. If applicable, describe the emergency which requires promulgation of these rules without providing notice or an opportunity for a public hearing:			

3. State Government Notice of Intended Rulemaking

a. Date on which the Notice of Intent containing all of the information required by W.S. 16-3-103(a) was filed with the Secretary of State:	March 28, 2014
b. Date on which the Notice of Intent and proposed rules in strike and underscore format and a clean copy were provided to the Legislative Service Office:	March 28, 2014
c. Date on which the Notice of Intent and proposed rules in strike and underscore format and a clean copy were provided to the Attorney General:	March 28, 2014

4. Public Notice of Intended Rulemaking

a. Notice was mailed 45 days in advance to all persons who made a timely request for advance notice. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
b. A public hearing was held on the proposed rules. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

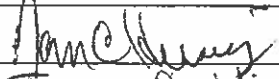
If "Yes:"	Date:	Time:	City:	Location:

5. Final Filing of Rules

a. Date on which the Certification Page with original signatures and final rules were sent to the Attorney General's Office for the Governor's signature:	May 30, 2014
b. Date on which final rules were sent to the Legislative Service Office:	May 30, 2014
c. Date on which a PDF of the final rules was electronically sent to the Secretary of State:	May 30, 2014

6. Agency/Board Certification

The undersigned certifies that the foregoing information is correct.

Signature of Authorized Individual (Blue ink as per Rules on Rules, Section 7)	
Printed Name of Signatory	Tom C. Hirsig
Signatory Title	Commissioner
Date of Signature	May 30, 2014

7. Governor's Certification

I have reviewed these rules and determined that they:

1. Are within the scope of the statutory authority delegated to the adopting agency;
2. Appear to be within the scope of the legislative purpose of the statutory authority; and, if emergency rules,
3. Are necessary and that I concur in the finding that they are an emergency.

Therefore, I approve the same.

Governor's Signature	
Date of Signature	

Attorney General: 1. Statement of Reasons; 2. Original Certification Page; 3. Summary of Comments (regular rules); 4. Hard copy of rules: clean and strike/underscore; and 5. Memo to Governor documenting emergency (for emergency rules only).

LSQ: 1. Statement of Reasons; 2. Copy of Certification Page; 3. Summary of Comments (regular rules); 4. Hard copy of rules: clean and strike/underscore; 5. Electronic copy of rules (PDFs) emailed to Criss.Carlson@wvleg.gov: clean and strike/underscore; and 6. Memo to Governor documenting emergency (for emergency rules only).

SOS: 1. PDF of clean copy of rules; and 2. Hard copy of Certification Page as delivered by the AG.



Additional Rule Information

Revised May 2014

1. General Information

a. Agency/Board Name Department of Insurance		
b. Agency/Board Address 106 East 6th Avenue	c. City Cheyenne	d. Zip Code 82001
e. Name of Contact Person Heather Canarecci		f. Contact Telephone Number 307-777-6916
g. Contact Email Address heather.canarecci1@wyo.gov		
h. Program		

2. Rule Information, Cont.

a. Provide the Chapter Number, Short Title, and Rule Type of Each Chapter being Created/Amended/Repealed

Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
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If Needed

STATEMENT OF PRINCIPAL REASONS

FOR

Creation of Chapter 65 of Wyoming Insurance Department Regulation

Regulation Governing the Sale of Out-of-State Health Insurance Policies

Wyoming Statute § 26-18-301, et seq., HEA0030, was signed into law by Governor Mead on February 15, 2013. This statute became effective July 1, 2013. Wyo. Stat. § 28-18-305 directs the Wyoming Insurance Commissioner to adopt rules and regulations necessary for filing, approval, and sale of health insurance policies that have been approved for sale in other states. This rule establishes standards for the sale of out-of-state health insurance policies, develops a method of overseeing insurers selling out-of-state health insurance policies in Wyoming, and to protect the interest of Wyoming consumers who purchase out-of-state health insurance policies.

DEPARTMENT OF INSURANCE

STATE OF WYOMING

IN THE MATTER OF THE CREATION OF)
REGULATION 65 OF THE RULES AND) Docket 14-36
REGULATIONS OF THE WYOMING)
INSURANCE DEPARTMENT)

SUMMARY OF COMMENTS TO

**Creation of Chapter 65 of the
Wyoming Insurance Department Regulations**

Regulation Governing the Sale of Out-of-State Health Insurance Policies

The Wyoming Department of Insurance did not receive any public comments relating to the creation of Chapter 65 of the Wyoming Insurance Department Regulations.

CHAPTER 65
REGULATION GOVERNING THE SALE OF
OUT-OF-STATE HEALTH INSURANCE POLICIES

Section 1. Authority

This regulation governing the sale of out-of-state health insurance policies in the state of Wyoming supplements the provisions of W.S. 26-18-301, et seq. This regulation is promulgated by authority of and pursuant to the provisions in W.S. 26-18-305 directing the Wyoming Insurance Commissioner to adopt rules and regulations necessary for filing, approval, and sale of health insurance policies that have been approved for sale in other states, the Wyoming Administrative Procedure Act (W.S. 16-3-101 through W.S. 16-3-115) and the Wyoming Insurance Code (W.S. 26-2-110 and W.S. 26-2-125).

Section 2. Purpose

The purpose of this Regulation is:

(a) To establish standards for the sale of out-of-state health insurance policies, to develop a method of overseeing insurers selling out-of-state health insurance policies in Wyoming, and to protect the interests of Wyoming consumers who purchases out-of-state health insurance policies.

(b) To declare that failure to comply with the provisions of this regulation will be deemed an unfair method of competition and an unfair trade practice.

Section 3. Scope

This regulation shall apply the sale of health insurance policies including individual disability policies, small group disability policies, or high deductible health policies approved for sale in other states pursuant to W.S. 26-18-301, et seq.

Section 4. Definitions

(a) As used in this regulation:

(i) “Domicile state” means the state that originally approved for sale the health insurance policies that the insurer intends to sell in Wyoming pursuant to W.S. 26-18-301, et seq.

(ii) “Essential community provider” means a provider that serves predominantly low-income or medically underserved individuals.

(iii) "Health Insurance" means private health plans as defined by W.S. 26-1-102(a)(xxxiii), small employer health insurance policies as defined by W.S. 26-19-303(a), and high deductible health plans as defined by W.S. 26-18-301(a)(ii)."

(iv) "Out-of-state health insurance policy" means a plan sold pursuant to W.S. § 26-18-301, et seq. by a Wyoming licensed insurer that has been approved for sale in another state.

(v) "Provider network" means the facilities, providers, and supplier the insurer has contracted with to provide health care services.

(vi) "SERFF" means the system for electronic rate and form filing as developed and implemented by the National Association of Insurance Commissioners.

(vii) "Wyoming mandated benefits" means benefits required for individual and group plans including adult wellness benefits pursuant to W.S. § 26-18-103(b) and W.S. § 26-19-107(h); mandated coverage pursuant to W.S. § 26-20-101, W.S. §26-20-201, W.S. § 26-20-301, and W.S. § 26-20-401; for group plans only, public health screenings pursuant to W.S. § 26-19-107(j); and any other benefits mandated in Wyoming by statute after the date of adoption of this regulation.

Section 5. **Application**

(a) **Application Contents.** Prior to the sale of out-of-state health insurance policies in Wyoming, the insurer must file an application as prescribed by the Wyoming Insurance Commissioner and are subject to the applicable SERFF filing fees. The application must include at a minimum the following:

(i) Proof of current approval and product line authority in domicile state including health policy form number and date approved in the domicile state;

(ii) The price of the health policy as sold in the domicile state and whether the health policy will be at the same price or at a Wyoming specific price;

(iii) A network provider directory that must, at a minimum, include providers' specialties, locations of providers, acceptance of new patient status, the total unduplicated providers, and the total number of essential community providers in the provider network; and

(iv) A description of the relationship between the insurer making the filing and the affiliate insurer, if any, which currently has approval for the issuance of health insurance policies in another state, the original state where the proposed product was approved, and the date of such approval.

(b) Policy Filing Requirements

(i) All health insurance policies offered or intended to be sold pursuant to W.S. 26-18-301, et seq. shall be filed for prior review and approval and are subject to the applicable SERFF filing and policy form filing fees.

(ii) For each out-of-state health insurance policy sold or intended to be sold in Wyoming, the insurer must file an outline of coverage with the health policy form filings and are subject to the applicable SERFF filing fees. The outline of coverage must have a section defining the benefits the health insurance policy provides. The outline of coverage must state whether the policy offers any Wyoming mandated benefits, and, if so, what Wyoming mandated benefits the policy offers. The Wyoming Insurance Commissioner can require additional information be disclosed in the outline of coverage.

(c) Agreement Between Insurer and Commissioner

(i) Pursuant to W.S. 26-18-302(a)(iv) the insurer seeking to offer out-of-state health insurance policies in Wyoming must agree that the Wyoming Insurance Commissioner may enforce the provisions of the insurance policy and resolve disputes between the insurer and the policyholder.

(ii) The agreement will be a written agreement signed by the insurer. The agreement shall be on a form as prescribed by the Wyoming Insurance Commissioner.

(d) Should the insurer fail to comply with the application and filing procedures as prescribed by this regulation and as prescribed by the Wyoming Insurance Commissioner, the insurer's application may be rejected and the insurer may be denied the authority to issue out-of-state health insurance policies.

(e) The Wyoming Insurance Commissioner has the authority to require additional application and filing requirements not specifically mentioned in this regulation.

Section 6. Policy Requirements

(a) Network Adequacy

(i) Pursuant to W.S. 26-18-302(a)(vii), the Wyoming Insurance Commissioner shall review any provider network requirements in the out-of-state health insurance policy and may require modification of those requirements if the policy lacks sufficient network providers in Wyoming.

(ii) Provider networks are sufficient so long as:

(A) The insurer maintains a network that is sufficient in number and types of providers in Wyoming so as to assure that all services will be accessible without unreasonable delay as proven by submitting a network provider list to the Wyoming Department of Insurance; and

(B) The network has at least thirty percent (30%) of available essential community providers in the policy's service area. A network that has at least five percent (5%) of available essential community providers in the policy's service area may be considered sufficient so long as the insurer includes as part of its application a satisfactory narrative describing how the insurer's provider network(s), as currently designed provides an adequate level of service for low-income and medically underserved enrollees.

(iii) If the insurer has insufficient number or type of participating providers to provide a covered benefit, the insurer shall ensure that the covered person obtains the covered benefit at no greater cost to the covered person than if the benefit were obtained from participating providers, or shall make arrangements acceptable to the Wyoming Insurance Commissioner.

(iv) The insurer shall include a provider directory with the application form. The directory must at a minimum list providers' specialties, locations of providers, acceptance of new patient status, the total unduplicated providers, and the total number of essential community providers in the provider network. The Wyoming Insurance Commissioner can require that more categories of disclosure be included in the provider directory. The Wyoming Insurance Commissioner may terminate the insurer's ability to issue out-of-state health insurance policies in Wyoming should the network fail to meet the network adequacy standards set forth in this regulation.

(v) The insurer shall give the Wyoming Insurance Commissioner prompt notice of a potential loss of a material provider. Upon such notice the Wyoming Insurance Commissioner has the authority to initiate an interim network adequacy review.

(vi) Should the state of Wyoming adopt statutory standards for network adequacy for health insurance policies sold in Wyoming, those statutory provisions will preempt this regulatory guidance on network adequacy. Policies sold pursuant to W.S. 26-18-301, et seq. will then be required to meet the statutory standards for network adequacy.

Section 7. **Reporting Requirements.**

(a) All reporting requirements shall be submitted annually by March 1 every year through SERFF, and are subject to the applicable SERFF filing fees.

(b) Annual Network Report.

(i) An insurer shall file with the Wyoming Department of Insurance an updated network provider directory on an annual basis.

(ii) The directory at a minimum must list providers' specialties, locations of providers, acceptance of new patient status, the total unduplicated providers, and the total number of essential community providers. If the network has between five percent (5%) and thirty percent (30%) of the essential community providers available in Wyoming, the insurer must give a narrative justification describing how the provider network(s) provides an adequate level of service for low-income and medically underserved enrollees.

(iii) The Wyoming Insurance Commissioner may terminate an insurer's ability to issue out-of-state health insurance policies in Wyoming should the network not meet the network adequacy standards set forth in this regulation. The Wyoming Insurance Commissioner may terminate an insurer's ability to issue out-of-state health insurance policies in Wyoming should the insurer fail to file an annual network report.

(c) Annual Rating Report

(i) An insurer shall file with the Wyoming Department Insurance a rating report on an annual basis.

(ii) The rating report at a minimum must list every product sold in Wyoming pursuant to W.S. 26-18-301, et seq., the rates of each product sold in Wyoming, the rates of each product sold in the domicile state. Should the rate of any products sold in Wyoming exceed ten percent (10%) of the cost of the same product sold in the domicile state, the insurer must attach a narrative explaining the difference in rate.

(iii) The Wyoming Insurance Commissioner may terminate an insurer's ability to issue out-of-state health insurance policies in Wyoming should the issuer fail to file an annual rating report.

(d) The Wyoming Insurance Commissioner has the authority to require additional reporting requirements not specifically listed in this regulation.

Section 8. Non-Compliant Policies

Should any out-of-state health insurance policies sold pursuant to W.S. 26-18-301, et seq. fail to comply with this regulation or the Wyoming Insurance Code, the Wyoming Insurance Commissioner has the authority deny the insurer the ability to issue the product in Wyoming.