

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO. [BILL NUMBER]

Direct primary care-insurance exemption.

Sponsored by: Representative(s) HDraft

A BILL

for

1 AN ACT relating to insurance; exempting direct primary care
2 services from insurance regulation; specifying requirements
3 for exemption; providing definitions; and providing for an
4 effective date.

5

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

7

8 **Section 1.** W.S. 26-1-104(a) by creating new paragraph
9 (vi) and 26-22-301 by creating new subsections (c) through
10 (e) are amended to read:

11

12 **26-1-104. Applicability of provisions.**

13

1 (a) This code does not apply to:

2

3 (vi) Arrangements in which a person provides
4 routine health care services pursuant to a written medical
5 retainer agreement, as identified in W.S. 26-22-301(c).

6

7 **26-22-301. Prepaid hospital, medical-surgical or**
8 **other health service plans subject to provisions of code;**
9 **exceptions.**

10

11 (a) Any corporation which establishes, maintains or
12 operates prepaid hospital, medical-surgical or other health
13 service plans, or combination thereof, in which hospital,
14 medical-surgical or other health service may be provided to
15 its members or subscribers by hospitals or physicians with
16 which the corporation has contracted for that purpose, is
17 transacting insurance and subject to regulation and
18 taxation as an insurer under this code.

19

20 (b) This section does not apply to company-operated
21 or employee-operated organizations, not covered by hospital
22 or sickness insurance, but formed and operated for the
23 purpose of providing hospital or medical services supported

1 or financed by dues paid to the associations by or on
2 behalf of those who are employees or pensioners of the
3 company.

4

5 (c) This section does not apply to arrangements in
6 which a person provides routine health care services
7 pursuant to a written medical retainer agreement which
8 either party may terminate without penalty at any time upon
9 written notice and which:

10

11 (i) Describes the specific routine health care
12 services that are included in the agreement;

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14 (ii) Conspicuously and prominently states in
15 writing that the medical retainer agreement is not health
16 insurance and does not meet the individual health insurance
17 mandate of federal law;

18

19 (iii) Prohibits the person providing routine
20 health care services from billing an insurer for the
21 services provided under the medical retainer agreement; and

22

1 (iv) Specifies a periodic fee and any additional
2 fees outside of the periodic fee which can be charged for
3 routine health care services.

4
5 (d) For purposes of subsection (c) of this section,
6 "medical retainer agreement" means a written contract
7 between a person and an individual patient or a patient's
8 representative in which the person agrees to provide
9 routine health care services to the individual patient for
10 agreed upon fees and for a set period of time.

11
12 (e) For purposes of subsection (c) of this section,
13 "routine health care services" means:

14
15 (i) Screening, assessment, diagnosis and
16 treatment for the purpose of promoting health or for the
17 detection and management of disease or injury and may
18 include:

19
20 (A) Supplies and prescription drugs that
21 are dispensed in a health care provider's office; or

22

1 (B) Laboratory work, such as routine blood
2 screening or routine pathology screening.

3

4 **Section 2.** This act is effective immediately upon
5 completion of all acts necessary for a bill to become law
6 as provided by Article 4, Section 8 of the Wyoming
7 Constitution.

8

9

(END)

