

D. Perkins

7

91 LSO - 0499

HOUSE BILL 0129.

T1 HB0129

AN ACT to amend W.S. 26-38-103(a)(v) and (vii) and 26-38-105(d) and (g) relating to long-term care insurance; amending the definition of long-term care insurance; limiting the definition of pre-existing condition; prohibiting the sale of policies that require institutionalization as a condition of benefits; and providing for an effective date.

HOUSE BILL 0129

Introduced by:

Dorothy Perkins Rick Tompsett
Charles W. Scott

DATE	ACTION	DATE	ACTION
JUN 1 6 1991	READ FIRST TIME	FEB 5 1991	DO PASS
	REFERRED TO COM. NO. <u>7</u>	FEB 6 1991	READ SECOND TIME
	DELIVERED TO COM. NO. <u>7</u>		DO PASS
JUN 2 8 1991	RETURNED	FEB 7 1991	READ THIRD TIME
	Recommended Amend and Do Pass <u>9 AYES</u>		CONSENT LIST
JUN 2 4 1991	CONSIDERED IN COM. OF WHOLE		PASSED
	Standing Com. Amendment HB129 H 51/A		AYES <u>30</u> NOES <u>0</u> EXCUSED <u>0</u> ABSENT <u>0</u>
	Adopted		SENT TO SENATE
	Recommended do <u>pass</u>	FEB 7 1991	RECEIVED FROM SENATE
JUN 2 5 1991	READ SECOND TIME <u>Rules Susp 56-8-0-0</u>		SENT TO LSO FOR ENROLLING
JUN 2 5 1991	READ THIRD TIME		RECEIVED FROM LSO ENROLLED
	UNDER SUSPENSION OF RULES		HEA NO. <u>11</u>
	CONSENT LIST	FEB 8 1991	SIGNED BY SPEAKER
	<u>63</u> PASSED Ayes <u>63</u> Noes <u>1</u> Absent <u>1</u>		SIGNED BY PRESIDENT
	Sent to LSO	FEB 1 8 1991	APPROVED BY GOVERNOR
1-25-91	ENGROSSED		CHAPTER NO. <u>7</u> SESSION LAWS OF WYOMING
1-28-91	Sent to Senate		
JAN 2 8 1991	Received from House		
	Read first time		
	Referred to Com. No. <u>7</u>		
	Delivered to Com. No. <u>7</u>		
FEB 4 1991	STANDING COMM. REPORT		
	RECOMMENDED DO PASS		
FEB 5 1991	CONSIDERED IN COM. OF WHOLE		

CONTINUED ON BACK

HB 129 3rd Date 2-7-91

SENATE ROLL CALL

FIFTY-FIRST WYOMING LEGISLATURE

	Ayes	Noes	Excused	Absent
APPLEGATE	✓			
BURKE	✓			
BYRD	✓			
CAMERON	✓			
COE	✓			
DIXON	✓			
EDDINS	✓			
FANOS	✓			
GERINGER	✓			
GRIEVE	✓			
GUICE	✓			
HEALY	✓			
HERBST	✓			
HOWARD	✓			
KINNEY	✓			
KINNISON	✓			
LALONDE	✓			
MADER	✓			
MALDONADO	✓			
PECK	✓			
PERRY	✓			
PREVEDEL	✓			
REESE	✓			
SCOTT	✓			
TRUE				
TWIFORD	✓			
VINICH	✓			
YORDY	✓			
ZIMMER	✓			
ZIMMERMAN	✓			
MR. PRESIDENT	✓			

PRESENT _____ AYES 30
 NOES _____
 EXCUSED _____
 ABSENT _____
 TOTAL 30

96B 129*Suspension of Rules* 125/91
Thurs. Evening Date _____HOUSE ROLL CALL
FIFTY-FIRST WYOMING LEGISLATURE

Ayes	Noes	Excused	Absent		Ayes	Noes	Excused	Absent		
✓				ALDEN	✓				MICHELI	
✓				ANDERSON	✓				MILLER	
✓				ARNOLD	✓				O'TOOLE	
✓				BEBOUT	✓				PERKINS, D.	
✓				BENSEL	✓				PERKINS, J.	
✓				BLACKWELL	✓				PHELAN	
✓				BODINE	✓				PLANT	
✓				BOWRON	✓				RANKINE	
✓				BUDD	✓				RATLIFF	
✓				CALL	✓				ROHRBACH	
✓				CHAMBERLAIN	✓				RYCKMAN	
				CHAMBERS	✓				SCHWOPE	
✓				CUBIN	✓				SHREVE	
✓				DEWITT	✓				SIMONS	
✓				DUNNUCK	✓				SULLIVAN	
✓				ENZI	✓				TEMPEST	
✓				GAMS	✓				TIBBS	
✓				GARCIA	✓				TIPPETS	
	✓			GOODENOUGH	✓				TIPTON	
✓				GRANT	✓				TYSDAL	
✓				HACKER	✓				VASEY	
✓				HAGEMAN	✓				VLASTOS	
✓				HANSEN	✓				WALLIS	
✓				HARRIS	✓				WATSON	
✓				HARRISON, F.	✓				WOLD	
✓				HARRISON, R.	✓				WOLFLEY	
✓				HINCHEY	✓				WRIGHT	
✓				HINES	✓				ZUMBRUNNEN	
✓				HONAKER	✓				MR. SPEAKER	
✓				HUMPHREY	AYES <u>63</u> NOES <u>1</u> EXCUSED _____ ABSENT _____ TOTAL <u>64</u> LESS _____					PRESENT _____
✓				KUNZ						
✓				LAW						
✓				LUMMIS						
✓				MACMILLAN, P.						
✓				MARTON						
✓				MCMILLAN, B.						

THE LEGISLATURE OF THE STATE OF WYOMING

Senate

Cheyenne, February 4, 19 91

Mr. President:

CORPORATIONS, ELECTIONS &

Your Committee No. 7 on POLITICAL SUBDIVISIONS

to whom was referred HB No. 0129 ENGROSSED

respectfully reports same back to the Senate with the recommendation that

it DO PASS

AYES: Senators Scott, Applegate, Herbst, Kinnison and Yordy

Charles K. Scott.....
Charles K. Scott, **Chairman**

THE LEGISLATURE OF THE STATE OF WYOMING

House of Representatives

HB 0129 HSI/

Cheyenne, January 22, 1991

Mr. Speaker:

Your Committee No. 7 on CORPORATIONS, ELECTIONS & POLITICAL SUBDIVISIONS
 to whom was referred House Bill No. 0129
 respectfully reports same back to the House with the recommendation that
 it DO PASS with the following amendments:

Page 4 Line 18 - After "BENEFITS" insert " " *De*

Page 4 Line 20 - After "BENEFITS" insert " " *De*

Don't underscore

AYESNOESEXCUSED

Rep. Bebout
 DeWitt
 Hansen
 Hinchey
 Kunz
 McMillan, B.
 Sullivan
 Vlastos
 MacMillan, P.

Patti MacMillan
 PATTI MACMILLAN

Chairman

DN

1/25/91

209,910 4 FIFTY-FIRST WYOMING LEGISLATURE

AYES	63
NOES	1
EXCUSED	
ABSENT	
TOTAL	64
LESS	

House of Intro	Second House
To Com. No. _____	To Com No. _____
Stand Report Do ___ Amd ___ Not ___	Stand Report Do ___ Amd ___ Not ___
Com Whole Do ___ Amd ___ Not ___	Com Whole Do ___ Amd ___ Not ___
2nd Reading Amd ___	2nd Reading Amd ___
3rd Reading Amd ___ Pass ___ Fail ___	3rd Reading Amd ___ Pass ___ Fail ___

INTRODUCED

1991

STATE OF WYOMING

91LSO-0499.01

HOUSE BILL NO. 0129

Long-term care insurance.

Sponsored by: Representative(s) D. PERKINS

A BILL

for

1 AN ACT to amend W.S. 26-38-103(a)(v) and (vii) and
 2 26-38-105(d) and (g) relating to long-term care insurance;
 3 amending the definition of long-term care insurance; lim-
 4 iting the definition of pre-existing condition; prohibit-
 5 ing the sale of policies that require institutionalization
 6 as a condition of benefits; and providing for an effective
 7 date.

8 Be It Enacted by the Legislature of the State of Wyoming:

9 Section 1. W.S. 26-38-103(a)(v) and (vii) and
 10 26-38-105(d) and (g) are amended to read:

11 26-38-103. Definitions.

**NO SIGNIFICANT FISCAL OR
PERSONNEL IMPACT AT STATE LEVEL**

1 (a) As used in this chapter:

2 (v) "Long-term care insurance" means any insur-
3 ance policy or rider advertised, marketed, offered or
4 designed to provide coverage for not less than twelve (12)
5 consecutive months for each covered person on an expense
6 incurred, indemnity, prepaid or other basis, for one (1)
7 or more necessary or medically necessary diagnostic, pre-
8 ventive, therapeutic, rehabilitative, maintenance or per-
9 sonal care services, provided in a setting other than an
10 acute care unit of a hospital. The term includes group
11 and individual ANNUITIES AND LIFE INSURANCE policies or
12 riders ~~whether~~ WHICH PROVIDE DIRECTLY OR WHICH SUPPLEMENT
13 LONG-TERM CARE INSURANCE. THE TERM ALSO INCLUDES A POLICY
14 OR RIDER WHICH PROVIDES FOR PAYMENT OF BENEFITS BASED UPON
15 COGNITIVE IMPAIRMENT OR THE LOSS OF FUNCTIONAL CAPACITY.
16 LONG-TERM CARE INSURANCE MAY BE issued by insurers, fra-
17 ternal benefit societies, nonprofit health, hospital and
18 medical service corporations, prepaid health plans, health
19 maintenance organizations or any similar organization.
20 Long-term care insurance shall not include any insurance
21 policy which is offered primarily to provide basic medi-
22 care supplement coverage, basic hospital expense coverage,
23 basic medical-surgical expense coverage, hospital confine-

1 ment indemnity coverage, major medical expense coverage,
2 disability income OR RELATED ASSET protection coverage,
3 accident only coverage, specified disease or specified
4 accident coverage or limited benefit health coverage;

5 (vii) "Preexisting condition" means the exis-
6 tence of symptoms which would cause an ordinarily prudent
7 person to seek diagnosis, care or treatment, or a condi-
8 tion for which medical advice or treatment was recommended
9 by, or received from a provider of health care services,
10 within ~~the--following--limitation--periods---~~(A) six (6)
11 months preceding the effective date of coverage of an
12 insured person. ~~who--is--sixty-five--(65)--years-of-age-or~~
13 ~~older-on-the-effective-date-of-coverage;--or--(B)--Twenty-~~
14 ~~four--(24)--months--preceeding-the-effective-date-of-coverage~~
15 ~~of-an-insured-person-who-is-under-age-sixty-five--(65)--on~~
16 ~~the-effective-date-of-coverage.~~

17 26-38-105. Disclosure and performance standards for
18 long-term care insurance.

19 (d) No long-term care insurance policy shall exclude
20 coverage for a loss or confinement which is the result of
21 a preexisting condition unless the loss or confinement
22 begins within--~~(i)~~ six (6) months following the effective

1 date of coverage of an insured person. ~~who-is-sixty-five~~
2 ~~{65}-years-of-age-or-older-on-the-effective-date-of-cover-~~
3 ~~age;-or-(ii)--Twenty-four-{24}-months-following-the-effec-~~
4 ~~tive-date-of-coverage-of-an-insured-person--who--is--under~~
5 ~~sixty-five-{65}-on-the-effective-date-of-coverage-~~

6 (g) No long-term care insurance policy which-provides
7 ~~benefits--only-following-institutionalization-shall-condi-~~
8 ~~tion-these-benefits-upon-admission-to-a-facility--for--the~~
9 ~~same--or--related--conditions-within-a-period-of-less-than~~
10 ~~thirty-{30}-days-after-discharge-from-the-institution.~~ MAY
11 BE DELIVERED OR ISSUED FOR DELIVERY IN THIS STATE IF THE
12 POLICY:

13 (i) CONDITIONS ELIGIBILITY FOR ANY BENEFITS ON A
14 PRIOR HOSPITALIZATION REQUIREMENT;

15 (ii) CONDITIONS ELIGIBILITY FOR BENEFITS PRO-
16 VIDED IN AN INSTITUTIONAL CARE SETTING ON THE RECEIPT OF A
17 HIGHER LEVEL OF INSTITUTIONAL CARE; OR

18 (iii) CONDITIONS ELIGIBILITY FOR ANY BENEFITS
19 OTHER THAN WAIVER OF PREMIUM, POST-CONFINEMENT, POST-ACUTE
20 CARE OR RECUPERATIVE BENEFITS ON A PRIOR INSTITUTIONAL-
21 IZATION REQUIREMENT.

1991

STATE OF WYOMING

91LSO-0499

1 Section 2. This act is effective July 1, 1991.

2 (END)

1613139133, 192 *Session of Rules*
 2094 40 Date 1/25/91

HOUSE ROLL CALL

FIFTY-FIRST WYOMING LEGISLATURE

Ayes	Noes	Excused	Absent		Ayes	Noes	Excused	Absent	
	✓			ALDEN	✓				MIGHELI
✓				ANDERSON	✓				MILLER
✓				ARNOLD	✓				O'TOOLE
✓				BEBOUT	✓				PERKINS, D.
✓				BENSEL	✓				PERKINS, J.
	✓			BLACKWELL	✓				PHELAN
✓				BODINE	✓				PLANT
✓				BOWRON	✓				RANKINE
✓				BUDD	✓				RATLIFF
	✓			CALL	✓				ROHRBACH
✓				CHAMBERLAIN		✓			RYCKMAN
				CROSS	✓				SCHWOPE
	✓			CUBIN	✓				SHREVE
✓				DEWITT	✓				SIMONS
✓				DUNNUCK	✓				SULLIVAN
✓				ENZI	✓				TEMPEST
✓				GAMS	✓				TIBBS
✓				GARCIA	✓				TIPPETS
	✓			GOODENOUGH	✓				TIPTON
✓				GRANT	✓				TYSDAL
✓				HACKER	✓				VASEY
✓				HAGEMAN	✓				VLASTOS
✓				HANSEN	✓				WALLIS
	✓			HARRIS	✓				WATSON
✓				HARRISON, F.	✓				WOLD
✓				HARRISON, R.	✓				WOLFLEY
✓				HINCHEY	✓				WRIGHT
	✓			HINES	✓				ZUMBRUNNEN
✓				HONAKER	✓				MR. SPEAKER
✓				HUMPHREY					
✓				KUNZ					
✓				LAW					
✓				LUMMIS					
✓				MACMILLAN, P.					
✓				MARTON					
✓				MCMILLAN, B.					

AYES 56 PRESENT _____
 NOES 8
 EXCUSED _____
 ABSENT _____
 TOTAL 64
 LESS 8

House of Intro
To Com. No. _____
Stand Report Do ___ Amd ___ Not ___
Com Whole Do ___ Amd ___ Not ___
2nd Reading Amd ___
3rd Reading Amd ___ Pass ___ Fail ___

Second House
To Com No. _____
Stand Report Do ___ Amd ___ Not ___
Com Whole Do ___ Amd ___ Not ___
2nd Reading Amd ___
3rd Reading Amd ___ Pass ___ Fail ___

ENGROSSED

1991

STATE OF WYOMING

91LSO-0499.ENG

HOUSE BILL NO. 0129

Long-term care insurance.

Sponsored by: Representative(s) D. PERKINS and TEMPEST
and Senator(s) SCOTT

A BILL

for

1 AN ACT to amend W.S. 26-38-103(a)(v) and (vii) and
2 26-38-105(d) and (g) relating to long-term care insurance;
3 amending the definition of long-term care insurance; lim-
4 iting the definition of pre-existing condition; prohibit-
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6 as a condition of benefits; and providing for an effective
7 date.

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5 consecutive months for each covered person on an expense
6 incurred, indemnity, prepaid or other basis, for one (1)
7 or more necessary or medically necessary diagnostic, pre-
8 ventive, therapeutic, rehabilitative, maintenance or per-
9 sonal care services, provided in a setting other than an
10 acute care unit of a hospital. The term includes group
11 and individual ANNUITIES AND LIFE INSURANCE policies or
12 riders ~~whether~~ WHICH PROVIDE DIRECTLY OR WHICH SUPPLEMENT
13 LONG-TERM CARE INSURANCE. THE TERM ALSO INCLUDES A POLICY
14 OR RIDER WHICH PROVIDES FOR PAYMENT OF BENEFITS BASED UPON
15 COGNITIVE IMPAIRMENT OR THE LOSS OF FUNCTIONAL CAPACITY.
16 LONG-TERM CARE INSURANCE MAY BE issued by insurers, fra-
17 ternal benefit societies, nonprofit health, hospital and
18 medical service corporations, prepaid health plans, health
19 maintenance organizations or any similar organization.
20 Long-term care insurance shall not include any insurance
21 policy which is offered primarily to provide basic medi-
22 care supplement coverage, basic hospital expense coverage,
23 basic medical-surgical expense coverage, hospital confine-

1 ment indemnity coverage, major medical expense coverage,
2 disability income OR RELATED ASSET protection coverage,
3 accident only coverage, specified disease or specified
4 accident coverage or limited benefit health coverage;

5 (vii) "Preexisting condition" means the exis-
6 tence of symptoms which would cause an ordinarily prudent
7 person to seek diagnosis, care or treatment, or a condi-
8 tion for which medical advice or treatment was recommended
9 by, or received from a provider of health care services,
10 within ~~the--following--limitation--periods---~~ (A) six (6)
11 months preceding the effective date of coverage of an
12 insured person. ~~who--is--sixty-five-(65)-years-of-age-or~~
13 ~~elder-on-the-effective-date-of-coverage;--or--(B)--Twenty-~~
14 ~~four--(24)-months-preceding-the-effective-date-of-coverage~~
15 ~~of-an-insured-person-who-is-under-age-sixty-five--(65)--on~~
16 ~~the-effective-date-of-coverage-~~

17 26-38-105. Disclosure and performance standards for
18 long-term care insurance.

19 (d) No long-term care insurance policy shall exclude
20 coverage for a loss or confinement which is the result of
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22 begins within--(i) six (6) months following the effective

1 date of coverage of an insured person_ ~~who-is-sixty-five~~
2 ~~{65}-years-of-age-or-older-on-the-effective-date-of-cover-~~
3 ~~age,-or-(ii)--Twenty-four-(24)-months-following-the-effec-~~
4 ~~tive-date-of-coverage-of-an-insured-person--who--is--under~~
5 ~~sixty-five-{65}-on-the-effective-date-of-coverage-~~

6 (g) No long-term care insurance policy ~~which-provides~~
7 ~~benefits--only-following-institutionalization-shall-condi-~~
8 ~~tion-these-benefits-upon-admission-to-a-facility--for--the~~
9 ~~same--or--related--conditions-within-a-period-of-less-than~~
10 ~~thirty-{30}-days-after-discharge-from-the-institution-~~ MAY
11 BE DELIVERED OR ISSUED FOR DELIVERY IN THIS STATE IF THE
12 POLICY:

13 (i) CONDITIONS ELIGIBILITY FOR ANY BENEFITS ON A
14 PRIOR HOSPITALIZATION REQUIREMENT;

15 (ii) CONDITIONS ELIGIBILITY FOR BENEFITS PRO-
16 VIDED IN AN INSTITUTIONAL CARE SETTING ON THE RECEIPT OF A
17 HIGHER LEVEL OF INSTITUTIONAL CARE; OR

18 (iii) CONDITIONS ELIGIBILITY FOR ANY BENEFITS,
19 OTHER THAN WAIVER OF PREMIUM, POST-CONFINEMENT, POST-ACUTE
20 CARE OR RECUPERATIVE BENEFITS, ON A PRIOR INSTITUTIONAL-
21 IZATION REQUIREMENT.

1 Section 2. This act is effective July 1, 1991.

2 (END)

HB 129

- 1 HB0129HS1/A
- 2 ✓ Page 4-line 18 After "BENEFITS" insert ",",
- 3 ✓ Page 4-line 20 After "BENEFITS" insert ",", P. MACMILLAN,
4 CHAIRMAN
Adopted *DM*