

Wyoming Department of Insurance

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Who we are:

- ▶ The Wyoming Department of Insurance is responsible for regulating the business of insurance in the state of Wyoming. The Department licenses and regulates insurance companies, multiple employer welfare arrangements, risk retention and purchasing groups, motor clubs, service contract providers, pre-need funeral homes, agents, brokers, adjusters, consultants, pharmacy benefit managers, and third party administrators; approves policy filings, investigates consumer complaints; monitors financial condition and solvency of insurance companies and collects premium and surplus lines taxes.

Department structure

- ▶ Department Leadership- Commissioner, Deputy Commissioner, Attorney, Senior Health Policy Analyst
- ▶ Administration-Business Office Coordinator, Office Support Specialists (2), Paralegal
- ▶ Licensing-Licensing Supervisor, Licensing Specialists
- ▶ Finance
 - ▶ Premium Taxes, Funeral Home trust Funds, Risk Retention, Risk Purchasing Groups, Service Contract Providers
 - ▶ Financial Examination
- ▶ Policy Planning
 - ▶ Rate and Form Filings (Life & Annuity, P&C and Surplus Lines, Health insurance standards)
- ▶ Consumer Affairs
 - ▶ Market Conduct
 - ▶ Consumer Complaints

Licensing

- ▶ The Department is responsible for licensing insurance companies and other insurance related business entities for operations within the state of Wyoming, as well as resident and nonresident insurance producer licensees. The Department in 2022 approved 48,840 applications. Ninety-five percent (95%) of these were handled by 2 licensing specialists, which is the smallest licensing staff in the country.

Examination

- ▶ The Department is responsible for financial solvency examinations of domestic insurance companies and field examinations of resident insurance agencies.

Premium Tax Collection

- ▶ The Department collects premium tax from all insurance entities operating within the state of Wyoming on business written in Wyoming. During the 2022 fiscal year, tax collected and deposited in the general fund amounted to approximately \$39 million.

Policy Planning

- ▶ The Policy Planning section of the Wyoming Insurance Department is charged with reviewing all policy and forms to be sold to Wyoming insureds before they are allowed to be marketed. We have a staff of 5 and in 2022 our Life and Health Section reviewed 1,995 forms and rate filings. This is an increase of 500 filings over the previous year. Property and Casualty form filings were comparable from 2021 to 2022 with 1,822 filed in 2022.
- ▶ The Policy and Planning Section also contains the position of SHIP Director. SHIP is the Senior Health Insurance Program which provided through a Federal Grant and is tasked with providing unbiased, free counseling for Medicare Beneficiaries in the State of Wyoming. The program has main offices in 3 cities in Wyoming, Riverton, Casper and Cheyenne. It currently is staffed with a small paid staff and 42 volunteers that work in the counties throughout the state providing counseling services

Policy Planning (cont.)

- ▶ Surplus Lines filings and companies are also included in the duties of the Policy and Planning Section. In addition to working the companies conducting Surplus Lines Business in the State of Wyoming, the amount of Surplus Lines Tax needs to be accounted for and correctly distributed. The taxes collected in 2022 totaled \$3,424,030 which was a slight increase of the \$3,094,550 collected in 2021.

Consumer Affairs

- ▶ The Department provides optimum consumer protection and support to Wyoming residents by investigating consumer complaints and resolving issues on insurance matters. The Consumer Affairs section handles consumer complaints involving improper denial of a claims; delays in claim handling; cancelation or termination of an insurance policy and misrepresentation of policy coverage or misappropriation of premiums paid to an agent or broker.
- ▶ The Consumer Affairs section cannot provide legal advice. In 2022, the Consumer Affairs section handled 398 complaints and of those, 160 were confirmed, actionable complaints. The top three complaint subjects were Accident and Health (140) followed by Auto (121) and Home Owners (66). In addition, in 2022 the section successfully completed 46 public records requests.

What can the Department of Insurance do?

- ▶ Answer general insurance questions about insurance policies or products
- ▶ Make sure the insurance company conducts a reasonable investigation on a claim
- ▶ Make sure the insurance company bases the value of damaged vehicle or property on an appraisal
- ▶ The improper denial of a claim or an offer of an amount less than indicated by the policy
- ▶ Delays in claim handling
- ▶ The cancelation or termination of an insurance policy
- ▶ Misrepresentation of policy coverage or misappropriation of premiums paid to an agent of broker
- ▶ Take action against an insurance company or agent for violating state laws or regulations. However, any actions taken by the department may not impact your personal claim.
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What cannot be done by the Department of Insurance?

- ▶ Act as your legal representative or interfere in a pending lawsuit
- ▶ Recommend an insurance company, agent or policy
- ▶ Determine the value of your property or liability
- ▶ Make an insurance company insure you (unless there is unfair discrimination)
- ▶ Regulate rates that an insurer charges (except in very limited circumstances)
- ▶ Decide who is at fault for an accident
- ▶ Force an insurance company to pay your claim
- ▶ Decide the amount of a loss

Who to contact: You can reach all of the following individuals at 307-777-7401

- ▶ Jeff Rude, Insurance Commissioner
- ▶ Tana Howard, Deputy Insurance Commissioner
- ▶ Becky McFarland, Attorney
- ▶ Jill Reinking, Senior Health Policy Analyst
- ▶ Licensing: Lisa Hastings, Licensing Manager
- ▶ Examination/Premium Tax Collection: Doug Melvin, Chief Financial Examiner
- ▶ Policy Planning: Leda Ladd, Insurance Standards Manager
- ▶ Consumer Complaints: Bryan Stevens, Market Conduct Examiner

Consumer Complaints:

- ▶ To make a Consumer Complaint you can complete the online form found on our website doi.wyo.gov/consumers
- ▶ Or by calling 307-777-7402- 800-438-5768

TELEHEALTH REIMBURSEMENT & WYOMING INSURANCE CODE

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COVID and Telehealth

- Prior to COVID-19 Public Health Emergency telehealth services were, generally, only used and paid for in limited circumstances.
- In response to the public health emergency the federal government, state and private payers introduced more flexible telehealth policies which increased the utilization of telehealth.
- The end of the PHE returned most insurance coverage to pre-PHE coverage. Some insurance companies did keep telehealth policies in place, but it is dependent on the insurance provider and the insurance policy itself.

Do we have a statute(s) with regard to Telehealth in the Wyoming Insurance Code?

- Within the Wyoming Insurance Code, telehealth or healthcare services delivered by audio or audio-visual systems are discussed but only in the context of mental health and substance use disorder services.
- Art. 7-Mental Health and Substance Use Disorder Insurance Parity
- Wyo. Stat. Ann. §26-20-701 through -702 (2023) is the only section of the Insurance Code that relates to telehealth/telemedicine.

§26-20-701(b)(ii) (2023)

(b) No policy or contract providing mental health or substance use coverage to which subsection (a) of this section applies shall:

...

(ii) Charge a copayment, deductible or coinsurance amount to a person receiving mental health or substance use services through remote audio or audio-visual delivery systems that is higher than the copayments, deductible or coinsurance amount charged for the same services when delivered in-person.

What can our office do

- Prior to reaching out to our office, please attempt to resolve the issue through the process established in your contract with the insurer. If you are unable to resolve it through that process:
- If you have provided healthcare services for mental health or substance abuse disorder via telehealth, and the insurer did not pay equal to the in-person rate, please reach out to us.
- Or, the insurer is not offering the same service for mental health or substance abuse disorder via telehealth, that it would for in-person, please reach out to us.
- Our office can review those complaints and if necessary reach out the to the insurer for an explanation.

Future of Telehealth

- Increased demand by Insureds to have telehealth as an option in their healthcare policies.
- An increase in telehealth services offered by insurers.
- An increase in healthcare providers offering telehealth.
- An increase in direct pay services (Amazon Clinic, Doctor on Demand, Virtuwel).
- Congress is taking a look at telehealth and how to expand services (H.R. 824-Allow employers to offer telehealth benefits to their employees that do not have health benefits. Primarily for part time and seasonal employees. Requires notification to insured that it is not major medical)

Obstacles to overcome in Wyoming

- Broadband in Wyoming is a continuing problem
- Sideboards on what services can be provided
- Contracts between Providers and Insurers
- Legislative action

Resources & Data

- <https://www.cms.gov/Medicare/Medicare-General-Information/Telehealth/Telehealth-Codes>
- <https://www.cms.gov/files/document/mln901705-telehealth-services.pdf>
- <https://www.congress.gov/bill/118th-congress/house-bill/824/text>
- <https://naic.org>
- If you have any questions regarding data on telehealth, please reach out to us. We have many resources and partnerships that can assist us in gathering information.