

## HOUSE BILL NO. HB0035

Worker's compensation-air ambulances.

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

A BILL

for

1 AN ACT relating to worker's compensation; providing for  
2 payments to air ambulance service providers; allowing air  
3 ambulance service fees to be collected from injured  
4 employees; providing for assistance to injured employees;  
5 providing clarifying amendments; and providing for an  
6 effective date.

7

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

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10 **Section 1.** W.S. 27-14-409 is created to read:

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12 **27-14-409. Payments for air ambulance services.**

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14 (a) This section controls all payments for air  
15 ambulance services.

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2 (b) Compensation related to air ambulance services may  
3 only be allowed if transportation by air ambulance is a  
4 medical necessity because of a work injury covered under this  
5 act.

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7 (c) Payments to an air ambulance service provider may  
8 be allowed as follows:

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10 (i) Payments under this section will be according  
11 to a schedule established by the director taking into account  
12 the miles traveled and the type of aircraft used. The director  
13 shall attempt to approximate twice what Medicare would pay  
14 for air ambulance services in determining the payment  
15 schedule; and

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17 (ii) Any provider of air ambulance services may  
18 voluntarily submit a claim for payment to the division within  
19 forty-five (45) days of providing the services. If a provider  
20 submits a claim for payment to the division, the division  
21 shall review the claim, and if the services are determined  
22 compensable, the division shall offer to pay the claim in  
23 accordance with paragraph (i) of this subsection. Payment

1 shall be conditioned on the provider's timely voluntary  
2 agreement to accept this payment in full and final  
3 satisfaction for all services provided and that the provider  
4 will not bill the injured worker. Failure of any provider to  
5 accept the division's conditional offer of payment within  
6 thirty (30) days may, in the division's discretion, be  
7 considered a rejection of the payment offer;

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9 (iii) If the requirements for payment of services  
10 under paragraph (ii) of this subsection are not met, the  
11 division shall make no payment to the provider of air  
12 ambulance services.

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14 (d) If the requirements for payment to an air ambulance  
15 service provider under subsection (c) of this section are not  
16 met, the division shall proceed as follows:

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18 (i) If compensable air ambulance services are  
19 provided to an employee covered under Medicare or Medicaid,  
20 the division shall reimburse Medicare or Medicaid for the fee  
21 paid by Medicare or Medicaid for the air ambulance services,  
22 and no other payment shall be made;

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1           (ii) If the division will not be making payment  
2 under subsection (c) of this section or paragraph (i) of this  
3 subsection the division shall notify the injured employee  
4 that the employee may directly submit a claim to the division  
5 for air ambulance services within sixty (60) days of receiving  
6 notice from the division. If the injured employee submits a  
7 claim for payment to the division, the division shall review  
8 the claim, and if the services are determined compensable the  
9 division shall make payment to the injured employee in  
10 accordance with the scheduled amounts allowed under paragraph  
11 (c)(i) of this section, and no other payment for air ambulance  
12 services shall be made by the division. An employee may, but  
13 is not required to, use any payment received under this  
14 section for payment of air ambulance services.

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16           (e) The division's decision as to whether to make  
17 payment under subsection (c) or paragraph (d)(i) or (ii) of  
18 this section shall not be subject to further administrative  
19 or judicial review, and the division's payment under  
20 subsection (c) or (d) of this section shall fully satisfy any  
21 payment obligation of the division in regard to air ambulance  
22 services.

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1           **Section 2.** W.S. 27-14-401(e), 27-14-501 by creating a  
2 new subsection (g) and 27-14-601(o)(intro) are amended to  
3 read:

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5           **27-14-401. Medical, hospital and ambulance expenses;**  
6 **review of claim; employer and division designated providers;**  
7 **contracts for bill review, case management and related**  
8 **programs.**

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10           (e) If transportation by ground ambulance is necessary,  
11 the division shall allow a reasonable charge for the ambulance  
12 service at a rate not in excess of the rate schedule  
13 established by the director under the procedure set forth for  
14 payment of medical and hospital care.

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16           **27-14-501. Report by health care provider accepting**  
17 **cases; report of examination; recertification; bills; filing**  
18 **of claims.**

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20           (g) The limitation in subsection (a) of this section  
21 requiring that fees or portions of fees for injury related  
22 services or products will not be billed to or collected from  
23 the injured employee shall not apply to fees for air ambulance

1 services controlled by the federal Airline Deregulation Act  
2 of 1978.

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4       27-14-601. Payment or denial of claim by division;  
5 notice; objections; review and settlement of claims; filing  
6 fee; preauthorization of hospitalization or surgery.

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8       (o) The division pursuant to its rules and regulations  
9 may issue a determination of preauthorization for an injured  
10 worker's nonemergency hospitalization, nonemergent air  
11 ambulance transport, surgery or other specific medical care,  
12 subject to the following:

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

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(END)