

HOUSE BILL NO. HB0060

State health facility missions-statutory compliance.

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

A BILL

for

1 AN ACT relating to institutions of the state; amending
2 qualifications to receive services from state health care
3 facilities; providing for the continued care of persons at
4 the Wyoming life resource center as specified; amending the
5 mission of state health care facilities; conforming
6 statutes; specifying applicable federal standards for
7 rulemaking; updating obsolete language; providing
8 definitions; and providing for an effective date.

9

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

11

12 **Section 1.** W.S. 25-5-102(b)(xiv), (xxii) and by
13 creating new paragraphs (xxx) through (xxxv),
14 25-5-103(a)(intro), (ii) and by creating new subsections
15 (b) and (c), 25-5-105(a)(intro), 25-5-114(a),

1 25-5-115(a) (intro), 25-9-101(a) (intro) and 35-2-906 by
2 creating a new subsection (g) are amended to read:

3

4 **25-5-102. Definitions.**

5

6 (b) As used in this act:

7

8 (xiv) "Division" means the ~~developmental~~
9 ~~disabilities~~ behavioral health division of the department
10 of health;

11

12 (xxii) "Intermediate care facility for people
13 with intellectual disability" means an intermediate care
14 facility for ~~the mentally retarded or intermediate care~~
15 ~~facility for people with mental retardation (ICFMR or~~
16 ~~ICF/MR), as these phrases are~~ individuals with intellectual
17 disabilities (ICF/IID), as this phrase is used in
18 applicable federal statutes, rules and regulations;

19

20 (xxx) "Domiciliary care" means the domiciliary
21 care program, as defined by applicable federal statutes,
22 rules and regulations;

23

1 (xxxi) "Exceptionally difficult behaviors" means
2 a high level of assaultive or self-injurious behavior in a
3 person with an intellectual disability or organic brain
4 syndrome. These behaviors may include aggression and
5 violent behavior, wandering, sexually inappropriate
6 behavior, self-endangering behaviors or medication
7 noncompliance. The level of behaviors shall be measured by
8 a standardized assessment and pursuant to criteria
9 established by the department under W.S. 25-5-105(a)(i);

10

11 (xxxii) "Hard to place" means a person who is:

12

13 (A) Eligible for skilled nursing facility
14 services pursuant to the long-term care assessment defined
15 in W.S. 42-6-102(a)(vii);

16

17 (B) Does not meet the criteria of paragraph
18 (xxxi), (xxxiii) or (xxxiv) of this subsection; and

19

20 (C) For whom no community skilled nursing
21 facility service provider has been identified in the state
22 within a time period defined by the department.

23

1 (xxxiii) "High medical need" means a person who
2 is:

3
4 (A) Eligible for skilled nursing facility
5 services pursuant to the long term care assessment defined
6 in W.S. 42-6-102(a)(vii);

7
8 (B) Does not meet the criteria of paragraph
9 (xxxi) or (xxxiv) of this subsection; and

10
11 (C) Would qualify for the extraordinary
12 care nursing facility reimbursement rate, as defined by the
13 department.

14
15 (xxxiv) "Organic brain syndrome" means a
16 decrease in mental function due to a medical disease, other
17 than mental illness, as defined by the department. Organic
18 brain syndrome may be the result of an acquired brain
19 injury or the result of dementia caused by trauma, hypoxia,
20 cardiovascular conditions including thrombotic and embolic
21 events or degenerative, infectious, alcohol and drug
22 related or metabolic disorders;

23

1 (xxxv) "Skilled nursing facility services" means
2 skilled nursing facility services as defined by applicable
3 federal statutes, rules and regulations.

4
5 **25-5-103. Wyoming life resource center established;**
6 **purpose.**

7
8 (a) Except as otherwise authorized by rules and
9 regulations promulgated in accordance with W.S. 9-2-106(d),
10 the Wyoming life resource center is established to provide
11 the following residential, active treatment, ~~and assistive~~
12 technology, medical and therapy services only to
13 individuals ~~with a disability~~ for whom the center is the
14 most appropriate, least restrictive and most integrated
15 environment for delivery of the services as specified
16 below:

17
18 (ii) Skilled nursing facility services to the
19 following:

20
21 (A) Persons with ~~acquired brain injuries~~
22 organic brain syndrome who manifest exceptionally difficult
23 behaviors;

1

2

(B) Persons with high medical need;

3

4

(C) Persons who are hard to place.

5

6

(b) The Wyoming life resource center may provide technical assistance and assistive technology outreach services to persons made eligible pursuant to rules adopted by the department.

10

11

(c) Any person residing at the Wyoming life resource center on July 1, 2016 pursuant to the requirements of this section prior to July 1, 2016 shall have the right to remain at the life resource center without regard to his continued qualification to remain at the center under this section, provided the center continues to have adequate resources to safely care for the person.

18

19

25-5-105. Rules and regulations; reports.

20

21

(a) The department shall adopt rules and regulations which are in compliance with both federal regulations for intermediate care facilities for persons with intellectual

23

1 disability and federal regulations for skilled nursing
2 facilities, and which:

3
4 **25-5-114. Eligibility for admission; appropriateness**
5 **of services.**

6
7 (a) Except as otherwise authorized by rules and
8 regulations promulgated in accordance with W.S. 9-2-106(d),
9 a person shall ~~not~~ be admitted to the center only if he is
10 an individual qualifying for services under W.S.
11 25-5-103(a) and his preadmission evaluation and screening
12 does not indicate that he would be more appropriately
13 served by the Wyoming state hospital, a community program
14 or a public school program.

15
16 **25-5-115. Preadmission screening for residential**
17 **services; preparation and supervision thereof; disposition**
18 **of findings.**

19
20 (a) Admission to the center shall be upon written
21 application to the division ~~pursuant to W.S. 25-5-117(b)~~
22 and shall be based upon the preadmission screening and
23 assessment:

1

2 **25-9-101. Purpose; admission of veterans and**
3 **veterans' dependents.**

4

5 (a) Except as otherwise authorized by rules and
6 regulations promulgated in accordance with W.S. 9-2-106(d),
7 the veterans' home of Wyoming ~~is for the care and treatment~~
8 of shall provide domiciliary level care and skilled nursing
9 facility level care to:

10

11 **35-2-906. Construction and expansion of facilities;**
12 **exemption.**

13

14 (g) Beds constructed at any health care facility
15 owned or operated by the department shall be exempt from
16 this section.

17

18 **Section 2.** W.S. 25-5-115(a)(iii) is repealed.

19

20 **Section 3.** This act is effective July 1, 2016.

21

22

(END)