

SENATE FILE NO. SF0029

Developmental disability services.

Sponsored by: Select Committee on
Developmental/Intellectual Programs

A BILL

for

1 AN ACT relating to the Medicaid program; providing
2 requirements for the reimbursement of home and community
3 based waiver service providers; directing the department of
4 health to provide enhanced reimbursement of certified
5 behavioral specialists as specified; directing the
6 department and the university, with the community college
7 commission, to develop a training and certification program
8 for behavior specialists; specifying a basis for
9 calculation of budget requests for home and community based
10 waiver service providers; requiring reports; providing
11 appropriations; and providing for an effective date.

12

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

14

15 **Section 1.** W.S. 21-17-123 is created to read:

16

1 **21-17-123. Program for certification of behavioral**
2 **specialists.**

3

4 The community college commission shall cooperate with the
5 department of health and the University of Wyoming to
6 develop a course of training and education in the field of
7 professional health services for behavioral specialists
8 with an emphasis in the care of persons dually diagnosed
9 with an intellectual disability and a mental disorder. The
10 course may be offered at the University of Wyoming or one
11 (1) or more community colleges, or both, in collaboration.
12 The program shall be designed to lead to certification as a
13 behavioral health specialist pursuant to W.S. 42-4-120(h)
14 and (j) and rules and regulations of the department of
15 health. Certification may also be granted to behavioral
16 specialists who have completed another training program
17 that meets training standards established by the department
18 and who pass a competency evaluation under direction of the
19 department.

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21 **Section 2.** W.S. 42-4-120(g)(ii) and by creating new
22 subsections (h) through (k) is amended to read:

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1 **42-4-120. Contracts for waiver services; authority of**
2 **department; emergency case services; cost based payments.**

3
4 (g) The department shall establish by rule and
5 regulation a cost based reimbursement system to pay
6 providers of services and supplies under home and community
7 based waiver programs for persons with developmental
8 disabilities or acquired brain injury. The payment system
9 shall:

10
11 (ii) Establish a new base period to be used in
12 calculating reimbursement rates to providers for ~~subsequent~~
13 ~~budget periods~~ fiscal year 2012 and at least once every
14 four (4) years thereafter but not more than once in any two
15 (2) year period. When a new base period is established,
16 the department shall submit a biennial or supplemental
17 budget request to adjust provider reimbursement rates based
18 on the most current base period;

19
20 (h) The department shall apply to the center for
21 Medicare and Medicaid services of the United States
22 department of health and human services for authorization
23 to reimburse at an enhanced rate direct care providers who
24 have training and certification as behavioral specialists

1 in the care of persons dually diagnosed with a
2 developmental disability and a mental illness.

3
4 (j) The department, through the developmental
5 disabilities division and the mental health and substance
6 abuse services division, shall collaborate with the
7 University of Wyoming institute for disabilities and the
8 community college commission in developing a training
9 program for behavioral specialists in the care of persons
10 dually diagnosed with a developmental disability and a
11 mental illness. The program shall include a required
12 curriculum and standards for certification and evaluation
13 of dual diagnosis behavioral specialists, consistent with
14 the requirements of subsection (h) of this section.

15
16 (k) Department budget requests for the cost based
17 reimbursement system established pursuant to subsection (g)
18 of this section shall be calculated to reflect all service
19 units required in plans of care for recipients as of the
20 preceding June 30.

21
22 **Section 3.** The department of health shall provide a
23 report by October 1, 2011 and October 1, 2012 to the joint
24 labor, health and social services interim committee. The

1 report shall include the status of the waiver application
2 pursuant to W.S. 42-4-120(h), the status of the training
3 and certification program pursuant to W.S. 42-4-120(j) and
4 the rebasing of the cost base reimbursement system pursuant
5 to W.S. 42-4-120(g)(ii). The report shall include any
6 recommended statutory or rule changes and a detailed budget
7 narrative for any budget requests related to those
8 statutory sections.

9

10 **Section 4.**

11

12 (a) There is appropriated one million two hundred
13 seventy-five thousand nine hundred forty-nine dollars
14 (\$1,275,949.00) from the general fund and one million two
15 hundred seventy-five thousand nine hundred forty-nine
16 dollars (\$1,275,949.00) in federal funds to the department
17 of health. This appropriation shall be for the period
18 beginning with the effective date of this act and ending
19 June 30, 2012. This appropriation shall only be expended
20 for the purpose of adjusting the cost based reimbursement
21 formula pursuant to W.S. 42-4-120(g)(ii) to the extent that
22 the adjustment is for previously undercounted provider
23 service units. This appropriation shall be reduced dollar
24 for dollar by any amount appropriated for the same purpose

1 in the general government appropriations bill enacted
2 during the 2011 general session. Notwithstanding any other
3 provision of law, this appropriation shall not be
4 transferred or expended for any other purpose and any
5 unexpended, unobligated funds remaining from this
6 appropriation shall revert as provided by law on June 30,
7 2012. This appropriation shall not be included in the
8 department's 2013-2014 standard biennial budget request.

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10 (b) There is appropriated seventy-six thousand two
11 hundred ninety-eight dollars (\$76,298.00) from the general
12 fund to the department of health. This appropriation shall
13 be for the period beginning with the effective date of this
14 act and ending June 30, 2012. This appropriation shall
15 only be expended for the purpose of W.S. 42-4-120(j) and
16 upon timely testing and certification. Notwithstanding any
17 other provision of law, this appropriation shall not be
18 transferred or expended for any other purpose and any
19 unexpended, unobligated funds remaining from this
20 appropriation shall revert as provided by law on June 30,
21 2012. This appropriation shall not be included in the
22 department's 2013-2014 standard biennial budget request.

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

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(END)