

ENROLLED ACT NO. 73, SENATE

SIXTY-FIRST LEGISLATURE OF THE STATE OF WYOMING
2011 GENERAL SESSION

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

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

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

21-17-123. Program for certification of behavioral specialists.

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

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

42-4-120. Contracts for waiver services; authority of department; emergency case services; cost based payments; training and certification of specialists.

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

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

(h) The department shall apply to the center for Medicare and Medicaid services of the United States department of health and human services for authorization to reimburse at an enhanced rate direct care providers who have training and certification as behavioral specialists in the care of persons dually diagnosed with a developmental disability and a mental illness.

(j) The department, through the developmental disabilities division and the mental health and substance abuse services division, shall collaborate with the University of Wyoming institute for disabilities and the

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community college commission in developing a training program for behavioral specialists in the care of persons dually diagnosed with a developmental disability and a mental illness. The program shall provide for timely testing and certification and shall include a required curriculum and standards for certification and evaluation of dual diagnosis behavioral specialists where certificants will qualify for reimbursement under the requirements of subsection (h) of this section.

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

Section 3. The department of health shall provide a report by October 1, 2011 and October 1, 2012 to the joint labor, health and social services interim committee. The report shall include the status of the waiver application pursuant to W.S. 42-4-120(h), the status of the training and certification program pursuant to W.S. 42-4-120(j) and the rebasing of the cost base reimbursement system pursuant to W.S. 42-4-120(g)(ii). The report shall include any recommended statutory or rule changes and a detailed budget narrative for any budget requests related to those statutory sections.

Section 4.

(a) There is appropriated one million two hundred seventy-five thousand nine hundred forty-nine dollars (\$1,275,949.00) from the general fund and one million two hundred seventy-five thousand nine hundred forty-nine dollars (\$1,275,949.00) in federal funds for the adult developmental disability waiver program and seventy-six

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thousand two hundred ninety-eight dollars (\$76,298.00) from the general fund and seventy-six thousand two hundred ninety-eight dollars (\$76,298.00) in federal funds for the acquired brain injury waiver program to the department of health. These appropriations shall be for the period beginning with the effective date of this act and ending June 30, 2012. These appropriations shall only be expended for the purpose of adjusting the cost based reimbursement formula pursuant to W.S. 42-4-120(g)(ii) to the extent that the adjustment is for previously undercounted provider service units. These appropriations shall be reduced dollar for dollar by any amount appropriated for the same purpose in the general government appropriations bill enacted during the 2011 general session. Notwithstanding any other provision of law, these appropriations shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from these appropriations shall revert as provided by law on June 30, 2012. These appropriations shall not be included in the department's 2013-2014 standard biennial budget request.

(b) There is appropriated fifty thousand dollars (\$50,000.00) from the general fund to the department of health. This appropriation shall be for the period beginning with the effective date of this act and ending June 30, 2012. This appropriation shall only be expended for the purpose of W.S. 42-4-120(j). Notwithstanding any other provision of law, this appropriation shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from this appropriation shall revert as provided by law on June 30, 2012. This appropriation shall not be included in the department's 2013-2014 standard biennial budget request.

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

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the Senate.

Chief Clerk