

ENROLLED ACT NO. 61, HOUSE OF REPRESENTATIVES

SIXTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING
2023 GENERAL SESSION

AN ACT relating to medical assistance and services; amending the Wyoming private hospital assessment act to include healthcare providers affiliated with a hospital and psychiatric residential treatment facilities; increasing permissible administrative fee amounts; increasing assessment amounts; authorizing the department of health to modify payment or qualification provisions as specified; authorizing the department of health to negotiate with the United States department of health and human services as specified; making conforming amendments; providing appropriations; authorizing an additional position; and providing for an effective date.

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

Section 1. W.S. 42-9-102(a) by creating a new paragraph (xi), 42-9-103(d)(i), 42-9-104(b)(iii), 42-9-106(a) and (c) and 42-9-108(a) are amended to read:

42-9-102. Definitions.

(a) As used in this chapter:

(xi) "Hospital services" means inpatient, outpatient and other services provided by a private hospital or by practitioners employed by, under contract with or in affiliation with a hospital-affiliated professional service provider group. Hospital services for purposes of this act include services provided in a psychiatric residential treatment facility owned, operated by or affiliated with a private hospital.

42-9-103. Private hospital assessment account.

ENROLLED ACT NO. 61, HOUSE OF REPRESENTATIVES

SIXTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING
2023 GENERAL SESSION

(d) The account shall be used exclusively for the following purposes:

(i) To pay administrative expenses incurred by the department or its agent in performing the activities authorized by this chapter, provided that these expenses shall not exceed a total of ~~one percent (1%)~~ three percent (3%) of the aggregate assessment funds collected in the fiscal year;

42-9-104. Assessments.

(b) The assessment due under this section shall be imposed each fiscal year in an amount calculated as a uniform percentage of each hospital's net patient revenue. The assessment rate shall be determined by the department on a prospective basis and shall be based on the percentage of net hospital patient revenue needed to generate an amount not to exceed the nonfederal portion of the upper payment limit gap plus the fee authorized by W.S. 42-9-103(d)(i). In no event shall the assessment rate:

(iii) Increase by more than ~~one-half of one percent (.5%)~~ one percent (1%) of a hospital's net patient revenue for each fiscal year following the first fiscal year in which the hospital is assessed without further approval by the legislature.

42-9-106. Quarterly adjustment payments.

(a) To preserve the quality and improve access to private hospital services, ~~for private hospital inpatient and outpatient services rendered on or after July 1, 2016,~~ the department shall make quarterly adjustment payments as set forth in this section.

ENROLLED ACT NO. 61, HOUSE OF REPRESENTATIVES

SIXTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING
2023 GENERAL SESSION

(c) Quarterly adjustment payments shall not be used to offset any other payment by medicaid for hospital ~~inpatient or outpatient~~ services to medicaid beneficiaries, including without limitation any fee-for-service, per diem, private hospital inpatient adjustment or cost settlement payment.

42-9-108. Approval of state plan; rulemaking.

(a) The department shall seek necessary federal approval in the form of state plan amendments in order to continue to implement the provisions of this chapter. The department shall be deemed to satisfy this requirement by seeking approval for the operation of an upper payment limit program that provides for quarterly adjustment payments. While seeking federal approval under this subsection, the department may modify payment or qualification provisions as necessary to obtain the Centers for Medicare and Medicaid Services approval if the changes do not exceed the authority and purposes of this chapter.

Section 2. The director of the department, with the consent of the governor, shall enter into negotiations with the United States department of health and human services regarding the expansion of the scope of hospital services to include those services provided by practitioners employed by, under contract with or in affiliation with a hospital-affiliated professional service provider group and services provided in a psychiatric treatment facility owned, operated by or affiliated with a hospital. The director, with the consent of the governor, is authorized to execute any necessary and prudent state Medicaid plan amendments to carry out this act. Affiliation with a hospital shall be specified in the state Medicaid plan

ENROLLED ACT NO. 61, HOUSE OF REPRESENTATIVES

SIXTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING
2023 GENERAL SESSION

amendment and shall include public or private hospitals as authorized by federal law.

Section 3. There is appropriated three million eight hundred fifty thousand dollars (\$3,850,000.00) from special revenue from assessments collected under W.S. 42-9-104 and three million eight hundred fifty thousand dollars (\$3,850,000.00) from federal funds to the department of health for purposes of allowing practitioners employed by, under contract with or in affiliation with a hospital-affiliated professional service provider group and psychiatric residential treatment facilities to participate in the assessments and benefits provided by the Private Hospital Assessment Act under W.S. 42-9-101 through 42-9-109 for the period beginning July 1, 2023 and ending June 30, 2024. This appropriation shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from this appropriation on June 30, 2024 shall revert as provided by law. It is the intent of the legislature that an appropriation to fund the hospital services authorized by this act be included in the department of health's standard budget request for the immediately succeeding fiscal biennium. The appropriations provided by this section shall only be expended if the state Medicaid plan amendment specified by this act is approved and shall be expended solely for the purposes of making provider payments or reimbursements under the amended state Medicaid plan.

Section 4. The department of health is authorized one (1) additional full-time position for the purposes of the following acts: the Wyoming Nursing Care Facility Assessment Act under W.S. 42-8-101 through 42-8-109, the Wyoming Private Hospital Assessment Act under W.S. 42-9-101 through 42-9-109 and the Wyoming Private Ground Ambulance

ENROLLED ACT NO. 61, HOUSE OF REPRESENTATIVES

SIXTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING
2023 GENERAL SESSION

Service Provider Assessment Act under W.S. 42-11-101 through 42-11-109. There is appropriated forty-eight thousand eight hundred thirty dollars (\$48,830.00) from special revenue from assessments collected under W.S. 42-9-104 and forty-eight thousand eight hundred thirty dollars (\$48,830.00) from the federal funds available for this purpose to the department of health for purposes of this section. This appropriation shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from this appropriation on June 30, 2024 shall revert as provided by law. It is the intent of the legislature that an appropriation to fund this position as authorized by this section be included in the department of health's standard budget request for the immediately succeeding fiscal biennium.

ORIGINAL HOUSE
BILL NO. HB0081

ENGROSSED

ENROLLED ACT NO. 61, HOUSE OF REPRESENTATIVES

SIXTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING
2023 GENERAL SESSION

Section 5. This act is effective July 1, 2023.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the House.

Chief Clerk