

HOUSE BILL NO. HB0158

Limitation on amendments to Medicaid state plan.

Sponsored by: Representative(s) Baker, McMurtrey and
Osborn and Senator(s) Schiffer and Scott

A BILL

for

1 AN ACT relating to the Wyoming Medical Assistance and
2 Services Act; limiting changes that may be made by the
3 department of health to the Medicaid state plan as
4 specified; amending a definition; conforming the Wyoming
5 Medical Assistance and Services Act and the Medicaid state
6 plan; providing a statement of intent; providing authority
7 to implement the Medicaid state plan as specified;
8 requiring the department to report to the legislature as
9 specified; and providing for an effective date.

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

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13 **Section 1.** W.S. 42-4-102(a)(i) and (iii) and
14 42-4-103(a)(viii), (xx), by creating a new paragraph (xxix)
15 and by creating new subsections (c) through (f) are amended
16 to read:

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2

42-4-102. Definitions.

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(a) As used in this chapter:

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(i) "Categorically ~~eligible~~ needy" means:

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(A) Any individual in need of medical assistance authorized by the legislature and by who meets the criteria for mandatory categorically needy under Title XIX of the federal Social Security Act; to be covered by a state plan for medical assistance and services; and

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(B) Any individual who meets the criteria for optional categorically needy under Title XIX of the federal Social Security Act and who is authorized to receive services by the legislature pursuant to this act and the Medicaid state plan as of July 1, 2003, which shall include any individual:

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(I) Who would be eligible for cash assistance if he were not in a medical institution;

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1 (II) Receiving services under a
2 federal home and community based waiver who has an income
3 not to exceed three hundred percent (300%) of the federal
4 supplemental security income benefit;

5
6 (III) Under twenty-one (21) years of
7 age who meets the income and resource requirements of the
8 Wyoming Public Assistance and Social Services Act,
9 including any individual who is placed in a foster home
10 under the custody of the department of family services;

11
12 (IV) Under twenty-one (21) years of
13 age whose adoption has been subsidized in full or in part
14 by a public agency;

15
16 (V) Who is in an independent foster
17 care setting;

18
19 (VI) In an institution who is eligible
20 under a special income level not to exceed three hundred
21 percent (300%) of the federal supplemental security income
22 benefit;

23

1 (VII) Who is terminally ill and who
2 receives hospice care pursuant to a voluntary election;

3

4 (VIII) Who is pregnant and qualifies
5 for a period of presumptive eligibility under 42 U.S.C.
6 1396a(a)(47) and 1396r-1;

7

8 (IX) Who qualifies under the federal
9 Ticket to Work and Work Incentive Improvement Act of 1999
10 and W.S. 42-4-115;

11

12 (X) Who qualifies under the Breast and
13 Cervical Cancer Prevention and Treatment Act of 2000.

14

15 (iii) "Qualified" means any categorically
16 ~~eligible~~needy individual satisfying eligibility criteria
17 imposed by this chapter, the state plan for medical
18 assistance and services and by rule and regulation of the
19 department;

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21 **42-4-103. Authorized services and supplies;**
22 **limitations on eligibility and services.**

23

1 (a) Services and supplies authorized for medical
2 assistance under this chapter include:

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4 (viii) Services provided by an authorized rural
5 health care clinic or a federally qualified health center;

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7 (xx) Services provided by a certified mental
8 health center, ~~or clinic~~ or independent psychologist and
9 certified mental health services furnished to qualified
10 recipients by a licensed physician or under the direction
11 of a physician if an individual treatment plan is
12 established in writing, approved and periodically reviewed
13 by a licensed physician. The department of health shall by
14 rule and regulation or within the state plan for medical
15 assistance and services, define those services qualifying
16 as mental health services under this paragraph and,
17 pursuant to W.S. 9-2-102, establish standards for
18 certification under this paragraph;

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20 (xxix) Transportation services as required under
21 42 C.F.R. part 431.53.

22

23 (c) Any categorically needy individual as defined in
24 W.S. 42-4-102(a)(i) is eligible to receive assistance under

1 this act. Except as provided in W.S. 42-4-106, 42-4-113 and
2 42-4-115, an individual eligible for assistance under this
3 act shall not have income or resources in excess of the
4 limits specified in Title XIX of the federal Social
5 Security Act. The number of individuals who shall receive
6 services under a home and community based federal waiver
7 shall be limited to the number approved under the waiver
8 and approved in the department's budget.

9
10 (d) Except as provided in subsections (e) and (f) of
11 this section:

12
13 (i) The department shall not provide any
14 services and supplies not authorized under subsection (a)
15 of this section nor provide authorized services to any
16 individual not eligible as provided in subsection (c) of
17 this section;

18
19 (ii) The department shall not submit any
20 proposed amendment to the state plan required under W.S.
21 42-4-104(a)(ii) for new services, supplies or categories of
22 eligible individuals unless and until the proposed new
23 services, supplies or categories of eligible individuals
24 have been authorized and an effective date for those

1 services, supplies or categories of eligible individuals
2 has been established by the legislature.

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4 (e) If the federal government provides by law or
5 regulation for any additional service, supply or category
6 of eligible individual that shall be provided by the state
7 as a condition of participation in the Medicaid program
8 authorized under Title XIX of the federal Social Security
9 Act, the department may amend the state plan required under
10 W.S. 42-4-104(a)(ii) and provide the additional required
11 service or supply, or provide services to the additional
12 category of eligible individuals, provided the department
13 shall present the amendment to the state plan and a copy of
14 the federal law that requires the amendment to the joint
15 appropriations interim committee and the joint labor,
16 health and social services interim committee prior to the
17 next legislative session to allow the legislature to take
18 appropriate action.

19
20 (f) If any additional service, supply or category of
21 eligible individuals is authorized by the legislature in
22 the department's biennial or supplemental budget, the
23 department may amend the state plan required under W.S.
24 42-4-104(a)(ii) and provide the services or supplies, or

1 provide services to the additional category of eligible
2 individuals, through the end of the biennium for which the
3 budget is applicable, or until such time as the additional
4 coverage is authorized under this act.

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6 **Section 2.** W.S. 42-4-103(a)(xxii) is repealed.

7
8 **Section 3.**

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10 (a) It is the intent of the legislature that the
11 amendments to W.S. 42-4-102 and 42-4-103 as provided in
12 section 1 of this act reflect the services, supplies and
13 eligibility criteria provided in the state plan required
14 under W.S. 42-4-102(a)(ii), as that state plan is in effect
15 on July 1, 2003. To the extent the amendments to W.S.
16 42-4-102 and 42-4-103 as provided in section 1 of this act
17 are in conflict with the state plan, those provisions of
18 the state plan that are in conflict shall be implemented by
19 the department until July 1, 2005 and the department shall
20 report the conflicts to the joint labor, health and social
21 services interim committee together with recommendations
22 for any appropriate changes.

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1 (b) Notwithstanding subsection (a) of this section or
2 section 1 of this act, the department of health may amend
3 the state plan required under W.S. 42-4-104(a)(ii) in
4 accordance with any legislation enacted into law in the
5 2003 general session of the legislature that requires the
6 department of health to amend the state plan.

7

8 **Section 4.** This act is effective July 1, 2003.

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(END)