

ENROLLED ACT NO. 19, HOUSE OF REPRESENTATIVES

SIXTY-THIRD LEGISLATURE OF THE STATE OF WYOMING
2016 BUDGET SESSION

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

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

Section 1. W.S. 25-5-102(b)(xiv), (xxii) and by creating new paragraphs (xxx) through (xxxv), 25-5-103(a)(intro), (ii) and by creating new subsections (b) and (c), 25-5-105(a)(intro), 25-5-114(a), 25-5-115(a)(intro), 25-9-101(a)(intro) and 35-2-906 by creating a new subsection (g) are amended to read:

25-5-102. Definitions.

(b) As used in this act:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(ii) Skilled nursing facility services to the following:

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

(B) Persons with high medical need;

(C) Persons who are hard to place.

(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.

(c) Any person residing at the Wyoming life resource center on April 1, 2016 pursuant to the requirements of this section prior to April 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.

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

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

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

(a) Except as otherwise authorized by rules and regulations promulgated in accordance with W.S. 9-2-106(d),

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a person shall ~~not~~ be admitted to the center only if he is an individual qualifying for services under W.S. 25-5-103(a) and his preadmission evaluation and screening does not indicate that he would be more appropriately served by the Wyoming state hospital, a community program or a public school program.

25-5-115. Preadmission screening for residential services; preparation and supervision thereof; disposition of findings.

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

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

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

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

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

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

ORIGINAL HOUSE
BILL NO. HB0060

ENGROSSED

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

(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