

HOUSE BILL NO. HB0038

Community behavioral health-priority populations.

Sponsored by: Joint Labor, Health & Social Services Interim
Committee

A BILL

for

1 AN ACT relating to public health and safety; amending
2 provisions related to community health services; specifying
3 and prioritizing the categories of persons to receive state
4 funded mental illness and substance use disorder services;
5 providing definitions; making conforming amendments;
6 repealing obsolete provisions; requiring a report;
7 providing sunset dates; and providing for effective dates.

8

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

10

11 **Section 1.** W.S. 35-1-629 is created to read:

12

13 **35-1-629. Sunset.**

14

1 W.S. 35-1-611 through 35-1-627 and 35-1-629 are repealed
2 effective June 30, 2026.

3

4 **Section 2.** W.S. 25-10-101(a)(vii) and (ix),
5 25-10-112(g) and (j), 35-1-612, 35-1-613(a)(i), (iv), (v),
6 (viii), by creating new paragraphs (xiv) through (xxiii)
7 and by renumbering (xiv) as (xxiv), 35-1-614,
8 35-1-618(a)(intro), 35-1-620(a)(i), (ii), (b)(ii), (iii),
9 (vi), by creating new paragraphs (ix) through (xi) and by
10 creating a new subsection (c), 35-1-621, 35-1-622(a)(i),
11 35-1-623(a)(i), (ii) and (b), 35-1-625(a)(intro) and
12 (b)(intro) and 35-7-1033(b)(iv) are amended to read:

13

14 **25-10-101. Definitions.**

15

16 (a) As used in this act:

17

18 (vii) "Mental health center" means:

19

20 (A) Subject to subparagraph (B) of this
21 paragraph, a community human services program for the
22 prevention, treatment and amelioration of mental illness

1 under W.S. 35-1-611 through 35-1-627 or an equivalently
2 staffed and equipped student health service;

3

4 (B) Beginning on July 1, 2022, until June
5 30, 2026 behavioral health center as defined by W.S.
6 35-1-613(a)(xvi) or other provider under W.S. 35-1-611
7 through 35-1-627 or an equivalently staffed and equipped
8 student health service.

9

10 (ix) "Mental illness" and "mentally ill" mean a
11 physical, emotional, mental or behavioral disorder which
12 causes a person to be dangerous to himself or others and
13 which requires treatment, but do not include addiction to
14 drugs or alcohol, drug or alcohol intoxication or
15 developmental disabilities; ~~except when one (1) or more of~~
16 ~~those conditions co-occurs as a secondary diagnosis with a~~
17 ~~mental illness;~~

18

19 **25-10-112. Liability for costs of detention,**
20 **involuntary hospitalization and proceedings therefor.**

21

22 (g) The department in consultation with each board of
23 county commissioners may establish a single point of

1 responsibility or gatekeeper. For the period beginning July
2 1, 2022 and ending June 30, 2026, the department and each
3 board of county commissioners shall give preference to a
4 behavioral health center as defined by W.S.
5 35-1-613(a)(xvi) as the single point of responsibility.
6 Gatekeeper duties shall include, but are not limited to,
7 providing guidance on issues of detention and involuntary
8 treatment and monitoring and coordinating timely, efficient
9 and effective patient treatment prior to, during and after
10 any emergency detention or involuntary treatment under this
11 act. For the period beginning July 1, 2022 and ending June
12 30, 2026, no behavioral health center designated under this
13 subsection shall charge fees for gatekeeping services
14 provided under this article. No gatekeeper designated under
15 this subsection shall provide inpatient psychiatric
16 treatment to patients under this act, unless the gatekeeper
17 has been approved by the department of health to provide
18 these services.

19

20 (j) The department, boards of county commissioners,
21 designated hospitals, gatekeepers and other treatment
22 providers may, upon contract or agreement, coordinate and
23 monitor the services and payments required for the

1 treatment of persons with mental illness as provided under
2 this section. Pursuant to contract or agreement, the
3 department may assume any part of the expenses associated
4 with a gatekeeper which expenses would otherwise be the
5 responsibility of a county under this act, including
6 expenses for the transportation of patients to appropriate
7 care settings. For the period beginning July 1, 2022, the
8 department may only assume any part of the expenses
9 associated with a gatekeeper when the gatekeeper has been
10 contracted through a behavioral health center as defined by
11 W.S. 35-1-613(a)(xvi).

12

13 **35-1-612. Purpose.**

14

15 The purpose and intent of this act is to establish,
16 maintain and promote the development of a comprehensive
17 range of services in communities of the state to ~~provide~~
18 ~~prevention of, and treatment for individuals~~ serve priority
19 populations and other persons affected by, mental illness,
20 substance ~~abuse~~ use disorders, or developmental
21 disabilities, and to provide shelter and crisis services
22 for victims of family violence and sexual assault.

23

1 **35-1-613. Definitions.**

2

3 (a) As used in this act:

4

5 (i) "Community board" means a community mental
6 health board, a substance ~~abuse~~use disorder board, a
7 developmental disabilities board, or a family violence and
8 sexual assault board, or a board offering a combination of
9 human services programs, created under this act. For the
10 purposes of this act every community board is also a public
11 agency;

12

13 (iv) "Human services program" means community
14 facilities, services and programs which exclusively or in
15 part, are used or operated to prevent or treat mental
16 illness, substance ~~abuse~~use disorders or developmental
17 disabilities, to provide shelter and crisis services for
18 victims of family violence or sexual assault or to provide
19 other community based services which serve a public
20 purpose;

21

22 (v) "Mental illness" means a condition which is
23 manifested by a disorder or disturbance in behavior,

1 feeling, thinking or judgment to such an extent that care
2 and treatment are required, but does not include addiction
3 to drugs or alcohol, drug or alcohol intoxication or
4 developmental disabilities;

5
6 (viii) "Substance ~~abuse~~ use disorder" means the
7 use, without compelling medical reason, of any substance
8 which results in psychological or physiological dependency
9 as a function of continued use in such a manner as to
10 induce mental, emotional or physical impairment or to cause
11 socially dysfunctional behavior;

12
13 (xiv) "Adults with acute mental illness" means
14 persons who are subject to an emergency detention under
15 W.S. 25-10-109, an involuntary hospitalization order under
16 W.S. 25-10-110 or a directed outpatient commitment order
17 under W.S. 25-10-110.1, or who were released from an
18 emergency detention or were discharged from an involuntary
19 hospitalization or directed outpatient commitment order
20 within the last six (6) months;

21
22 (xv) "Adults with severe mental illness" means
23 persons who, based on diagnosis and history, have a

1 substantial probability of being unable to meet their needs
2 for food, shelter and medical care if they do not receive
3 regular mental health treatment or case management;

4
5 (xvi) "Behavioral health center" means a
6 nationally accredited organization that is licensed to
7 conduct business in the state of Wyoming and provides a
8 comprehensive range of services for the treatment and
9 management of mental illness and substance use disorders
10 for priority populations;

11
12 (xvii) "Families at high risk" means:

13
14 (A) Children who have been discharged from
15 an acute psychiatric facility or a psychiatric residential
16 treatment facility within the previous six (6) months, and
17 their immediate family members as defined by rule of the
18 department of family services;

19
20 (B) A child or the parent, legal guardian
21 or other immediate family member of a child, as defined by
22 rule of the department of family services, who has been
23 referred to a behavioral health center by the department of

1 family services for treatment for a mental illness or a
2 substance use disorder and the treatment is necessary to
3 prevent the removal of the child from the child's home or
4 to reunify the child with the child's family;

5
6 (C) A child who has been referred to a
7 behavioral health center for treatment for mental illness
8 or a substance use disorder that impacts the child's life
9 and the treatment is necessary to prevent child's
10 involvement in the judicial system.

11
12 (xviii) "General access clients" means persons
13 who do not meet the definition of a priority population
14 under paragraph (xxii) of this subsection;

15
16 (xix) "Indigent general access clients" means
17 persons who do not have private or public health insurance
18 that provides coverage for mental illness or substance use
19 disorder treatment and whose total household income is not
20 more than one hundred fifty percent (150%) of the federal
21 poverty level;

22

1 (xx) "Indigent clients with high needs" means
2 persons who meet the definition of indigent general access
3 clients under paragraph (xix) of this subsection and who
4 have a mental illness or substance use disorder that
5 substantially impairs their ability to function in society;

6
7 (xxi) "Nonstate level justice involved" means:

8
9 (A) Persons who within the previous six (6)
10 months have been placed on probation and made subject to an
11 intensive supervision program under W.S. 7-13-1102 that
12 includes treatment for a mental illness or a substance use
13 disorder;

14
15 (B) Persons who within the previous six (6)
16 months have been convicted of or pled nolo contendere to a
17 criminal offense and ordered to enroll in an intensive
18 outpatient treatment program for a mental illness or
19 substance use disorder as part of their sentence;

20
21 (C) Persons on probation, parole or who
22 have been conditionally released, who within the previous
23 six (6) months have been sanctioned under W.S.

1 7-13-1802(b)(iv) through (vi) and ordered to receive
2 treatment for a mental illness or a substance use disorder;

3
4 (D) Qualified offenders under W.S.
5 7-13-1301 through 7-13-1304 who within the previous six (6)
6 months have been ordered to receive treatment for a
7 substance use disorder.

8
9 (xxii) "Priority population" means any person,
10 as determined by the department, who falls into any of the
11 following categories:

12
13 (A) State level justice involved;

14
15 (B) Nonstate level justice involved;

16
17 (C) Families at high risk;

18
19 (D) Adults with acute mental illness;

20
21 (E) Adults with severe mental illness;

22
23 (F) Indigent clients with high needs;

1

2

(G) Indigent general access clients.

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(xxiii) "State level justice involved" means persons that within the previous six (6) months have been released or paroled from an institution as defined by W.S. 7-13-401(a)(vi), released or discharged from a facility as defined under W.S. 7-11-301(a)(ii) and who require continuing treatment for a mental illness or substance use disorder;

~~(xiv)~~(xxiv) "This act" means W.S. 35-1-611 through 35-1-627.

35-1-614. Counties, school districts and cities may contract for human services programs; counties may establish community boards.

(a) A county may contract with behavioral health centers or private or public agencies to provide human services programs for the county. The county may appropriate funds for the programs.

1 (b) A municipality may contract with behavioral
2 health centers or private agencies or a community board to
3 provide human services programs for the municipality. The
4 municipality may appropriate funds for the programs.

5
6 (c) A school district may contract with behavioral
7 health centers or private or public agencies to provide
8 human services programs for school age children.

9
10 (d) A county may establish, or two (2) or more
11 counties may agree to establish a community board, or
12 community boards in accordance with this act. A community
13 board shall provide human services to the entire county or
14 counties in which it is established. A community board may
15 offer one (1) or more services for ~~the mentally ill,~~
16 ~~substance abuser, developmentally disabled or the victim~~
17 persons affected by mental illness, substance use
18 disorders, developmental disabilities or victims of family
19 violence or sexual assault.

20

21 **35-1-618. Community boards; powers.**

22

1 (a) For each human services program authorized by the
2 county commissioners the community boards may contract with
3 a behavioral health center or a local public or private
4 nonprofit provider or:

5

6 **35-1-620. Powers and duties of the department and its**
7 **divisions.**

8

9 (a) The department through its divisions may:

10

11 (i) Enter into cooperative contracts with
12 behavioral health centers, private agencies, public
13 agencies and community boards by negotiation without
14 competitive bids or by competitive bidding. The department
15 shall not contract with any entity which is not in
16 substantial compliance with the standards and guidelines
17 under subsection (b) of this section. The department shall
18 not contract with any entity to purchase shelter and crisis
19 services for victims of domestic abuse or sexual assault;

20

21 (ii) Consult with and advise community boards,
22 political subdivisions, nonprofit corporations, state
23 agencies, health and medical groups within the state and

1 the United States public health service about standards for
2 the promotion of services to residents of Wyoming for the
3 prevention, diagnosis and treatment of mental illness,
4 substance ~~abuse~~ use disorders and developmental
5 disabilities and for the provision of other community based
6 services which serve a public purpose.

7

8 (b) The department shall:

9

10 (ii) Prescribe standards for the quality of
11 human services programs which provide state ~~purchased~~
12 funded services under this act;

13

14 (iii) Establish ~~a uniform schedule of fees which~~
15 ~~will act as a guideline~~ payment policies for state
16 ~~purchased~~ funded services provided to ~~clients by human~~
17 ~~services programs under this act. The schedule shall~~
18 ~~accurately reflect~~ priority populations that take into
19 account a client's ability to pay and utilize general funds
20 authorized for expenditure as the payment of last resort;

21

22 (vi) ~~For~~ Prioritize behavioral health centers as
23 the providers of state ~~purchased~~ funded services. If a

1 behavioral health center cannot provide sufficient
2 services, the department shall select the most appropriate
3 service ~~providers within each region~~ provider in order to
4 achieve ~~the most~~ an effective and efficient delivery of
5 mental illness and substance abuse disorder services and
6 human services ~~system programming~~;

7

8 (ix) Prioritize the delivery of state funded
9 services to priority populations and allocate those
10 services between priority populations in the following
11 order of priority, with tier 1 being the highest priority
12 and tier 3 being the lowest priority among priority
13 populations:

14

15 (A) Tier 1: priority populations specified
16 under W.S. 35-1-613(a)(xxii)(A) through (E);

17

18 (B) Tier 2: priority populations specified
19 under W.S. 35-1-613(a)(xxii)(F);

20

21 (C) Tier 3: priority populations specified
22 under W.S. 35-1-613(a)(xxii)(G).

23

1 (x) Subject to subsection (c) of this section,
2 the priority populations tier requirements under paragraph
3 (ix) of this subsection and in addition to other
4 contractual payments to behavioral health centers and other
5 service providers under this act, the department shall
6 provide essential subsidy payments to eligible behavioral
7 health centers, or to other eligible service providers
8 under paragraph (vi) of this subsection, to help defer
9 continuing operating costs needed to provide services to
10 priority populations. A behavioral health center or other
11 service provider under paragraph (vi) of this subsection
12 shall be eligible to receive essential subsidy payments
13 only upon demonstrating a need for operational cost
14 assistance as determined by rule of the department. The
15 amount of any essential subsidy payment shall be subject to
16 available funding and based on the total population of the
17 geographic area served by the behavioral health center or
18 other provider and the number of other behavioral health
19 care providers within a thirty-five (35) mile radius;

20

21 (xi) Prioritize behavioral health centers for
22 the delivery of gatekeeping services as provided by W.S.
23 25-10-112(g) and only assume the expenses associated with a

1 gatekeeper under W.S. 25-10-112(j) when the gatekeeper has
2 been contracted through a behavioral health center.

3
4 (c) Behavioral health centers may provide mental
5 health or substance use disorder services to general access
6 clients provided that the service is funded through any
7 combination of sources other than state funding for
8 priority populations under this section. Behavioral health
9 centers may use the facilities, supplies and personnel
10 funded under paragraph (x) of this subsection to provide
11 services to general access clients provided services to
12 priority populations are not materially diminished. When
13 the means of the state allow, the department is authorized
14 to seek funding through the budget process to deliver
15 mental health or substance use disorder services to general
16 access clients.

17
18 **35-1-621. All state funds for human services**
19 **contracted to department; federal and private funding not**
20 **affected.**

21
22 A state agency which provides state or federal funds to a
23 community based mental health, substance ~~abuse~~use

1 disorder, developmental disabilities or other human
2 services program shall contract the funds to the
3 department. The department shall expend the funds in
4 accordance with W.S. 9-2-102 and this act. This section
5 does not impair the ability of community based programs to
6 apply for or receive funds directly from federal or private
7 sources, subject to W.S. 35-1-620(b)(i).

8

9 **35-1-622. Department; budget requests; purchase of**
10 **service contracts.**

11

12 (a) The department's budget request shall recommend:

13

14 (i) The types of services that the division
15 shall purchase, in accordance with the priority populations
16 tier requirements provided by W.S. 35-1-620(b)(ix), which
17 shall not include shelter and crisis services for victims
18 of domestic abuse or sexual assault;

19

20 **35-1-623. Contracts; reports; regular payments;**
21 **termination.**

22

1 (a) Every contract awarded pursuant to this act shall
2 require:

3
4 (i) The ~~program~~—provider to submit annual
5 financial and expenditure reports to the department;

6
7 (ii) The division to make regular payments to
8 the ~~program~~—provider based on the services provided;

9
10 (b) The division shall terminate a contract with a
11 ~~program~~—behavioral health center or other provider made
12 under this act when the division finds, after a hearing in
13 accordance with W.S. 16-3-107 through 16-3-112 if requested
14 by the provider, that the ~~program~~—provider is not using
15 contract funds for contract purposes, or that a contract
16 ~~program~~—is not being administered in accordance with this
17 act.

18

19 **35-1-625. Protection of clients' rights.**

20

21 (a) Every contract awarded under this act shall
22 require the ~~program~~—provider to guarantee the clients'
23 rights to:

1

2 (b) Every contract awarded under this act shall
3 require the ~~program~~ provider to:

4

5 **35-7-1033. Unlawful acts; distribution; registration;**
6 **possession; records; counterfeiting; punishment.**

7

8 (b) Except for a violation of subparagraph
9 (a)(iii)(B) of this section and except as otherwise
10 provided:

11

12 (iv) In the event a substance abuse assessment
13 ordered pursuant to this section is provided by an entity
14 with whom the department of health contracts for treatment
15 services, the costs of the assessment shall be paid by the
16 offender subject to the ~~sliding fee scale~~ payment policies
17 adopted pursuant to W.S. 35-1-620 ~~and 35-1-624~~; provided
18 however, if the assessment is ordered as a result of a
19 felony conviction under this section, the assessment shall
20 be conducted and costs assessed pursuant to W.S. 7-13-1301,
21 et seq.;

22

1 **Section 3.** W.S. 35-1-620(b)(iv), (v), (vii) and
2 (viii), 35-1-622(b) and 35-1-624 are repealed.

3

4 **Section 4.**

5

6 (a) The department of health shall consult with
7 affected mental illness and substance use disorder
8 treatment providers and other stakeholder organizations as
9 determined by the department regarding the reform and
10 redesign of the state funded mental illness and substance
11 use disorder treatment programs required under this act and
12 other related topics, to include the following subjects:

13

14 (i) Eligibility requirements for receipt of
15 state funding consistent with the priority populations as
16 defined by W.S. 35-1-613(a)(xxii) as created under section
17 2 of this act;

18

19 (ii) Eligibility requirements for receipt of
20 essential subsidy payments under W.S. 35-1-620(b)(x), as
21 created under section 2 of this act, in order to target
22 geographic areas with inadequate access for general access
23 clients to mental illness and substance use disorder

1 treatment providers. A methodology for establishing the
2 manner in which, and amount in which, essential subsidy
3 payments could be provided to eligible behavioral health
4 centers and other eligible service providers shall also be
5 considered under this paragraph;

6

7 (iii) A pay for performance program methodology
8 and standards for priority populations as defined by W.S.
9 35-1-613(a)(xxii) and priority population tiers under W.S.
10 35-1-620(b)(ix) as created under section 2 of this act that
11 rewards providers for administering the case management
12 process as provided by paragraph (iv) of this subsection
13 and for achieving outcomes that support independence and
14 self reliance, including but not limited to:

15

16 (A) Prevention of psychiatric
17 hospitalization;

18

19 (B) Prevention of reincarceration in an
20 institution as defined by W.S. 7-13-401(a)(vi) or other
21 penal institution;

22

1 (C) Competitive employment in an integrated
2 setting, as provided under W.S. 9-2-1002(a)(xiii) and (xv);

3
4 (D) Independent housing.

5
6 (iv) Implementation of a case management process
7 and applicable standards for continuing assessment,
8 planning, treatment facilitation, care coordination and
9 evaluation of priority populations to promote patient
10 safety, quality of care and cost effective outcomes;

11
12 (v) Delivery of housing and crisis shelter
13 assistance to priority populations to be provided by
14 behavioral health centers.

15
16 (b) On or before July 31, 2021, the department shall
17 report to the joint labor, health and social services
18 interim committee on the discussions, findings and
19 recommendations generated by the consultations required
20 under subsection (a) of this section. As part of the
21 report, the department shall present recommendations on
22 funds that could be repurposed to best implement the policy
23 changes required under section 2 of this act and the

1 recommendations contained in the report, which shall
2 include identifying potential budget units from which funds
3 could be repurposed, including but not limited to:

4

5 (i) Unit 2506 (MH Outpatient);

6

7 (ii) Unit 2507 (SA Outpatient);

8

9 (iii) Unit 2508 (MH Residential);

10

11 (iv) Unit 2509 (SA Residential).

12

13 (c) The department of health and department of family
14 services shall promulgate rules and regulations necessary
15 to implement section 1 of this act by July 1, 2022.

16

17 **Section 5.**

18

19 (a) Except as otherwise provided by subsection (b) of
20 this section, this act is effective July 1, 2022.

21

1 (b) Sections 4 and 5 of this act are effective
2 immediately upon completion of all acts necessary for a
3 bill to become law as provided by Article 4, Section 8 of
4 the Wyoming Constitution.

5

6

(END)