

HOUSE BILL NO. HB0081

Hospital supplemental payments-statutory fix.

Sponsored by: Representative(s) Larsen, L and Zwonitzer, Dn  
and Senator(s) Baldwin

A BILL

for

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

13

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

15

1           **Section 1.** W.S. 42-9-102(a) by creating a new  
2 paragraph (xi), 42-9-103(d)(i), 42-9-104(b)(iii),  
3 42-9-106(a) and (c) and 42-9-108(a) are amended to read:

4

5           **42-9-102. Definitions.**

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7           (a) As used in this chapter:

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

17

18           **42-9-103. Private hospital assessment account.**

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

22

1           (i) To pay administrative expenses incurred by  
2 the department or its agent in performing the activities  
3 authorized by this chapter, provided that these expenses  
4 shall not exceed a total of ~~one percent (1%)~~ three percent  
5 (3%) of the aggregate assessment funds collected in the  
6 fiscal year;

7

8           **42-9-104. Assessments.**

9

10           (b) The assessment due under this section shall be  
11 imposed each fiscal year in an amount calculated as a  
12 uniform percentage of each hospital's net patient revenue.  
13 The assessment rate shall be determined by the department  
14 on a prospective basis and shall be based on the percentage  
15 of net hospital patient revenue needed to generate an  
16 amount not to exceed the nonfederal portion of the upper  
17 payment limit gap plus the fee authorized by W.S.  
18 42-9-103(d)(i). In no event shall the assessment rate:

19

20           (iii) Increase by more than ~~one half of one~~  
21 ~~percent (.5%)~~ one percent (1%) of a hospital's net patient  
22 revenue for each fiscal year following the first fiscal

1 year in which the hospital is assessed without further  
2 approval by the legislature.

3

4 **42-9-106. Quarterly adjustment payments.**

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

11

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

18

19 **42-9-108. Approval of state plan; rulemaking.**

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21 (a) The department shall seek necessary federal  
22 approval in the form of state plan amendments in order to  
23 continue to implement the provisions of this chapter. The

1 department shall be deemed to satisfy this requirement by  
2 seeking approval for the operation of an upper payment  
3 limit program that provides for quarterly adjustment  
4 payments. While seeking federal approval under this  
5 subsection, the department may modify payment or  
6 qualification provisions as necessary to obtain the Centers  
7 for Medicare and Medicaid Services approval if the changes  
8 do not exceed the authority and purposes of this chapter.

9  
10 **Section 2.** The director of the department, with the  
11 consent of the governor, shall enter into negotiations with  
12 the United States department of health and human services  
13 regarding the expansion of the scope of hospital services  
14 to include those services provided by practitioners  
15 employed by, under contract with or in affiliation with a  
16 hospital-affiliated professional service provider group and  
17 services provided in a psychiatric treatment facility  
18 owned, operated by or affiliated with a hospital. The  
19 director, with the consent of the governor, is authorized  
20 to execute any necessary and prudent state Medicaid plan  
21 amendments to carry out this act. Affiliation with a  
22 hospital shall be specified in the state Medicaid plan

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

3

4       **Section 3.** There is appropriated three million eight  
5 hundred fifty thousand dollars (\$3,850,000.00) from special  
6 revenue from assessments collected under W.S. 42-9-104 and  
7 three million eight hundred fifty thousand dollars  
8 (\$3,850,000.00) from federal funds to the department of  
9 health for purposes of allowing practitioners employed by,  
10 under contract with or in affiliation with a  
11 hospital-affiliated professional service provider group and  
12 psychiatric residential treatment facilities to participate  
13 in the assessments and benefits provided by the Private  
14 Hospital Assessment Act under W.S. 42-9-101 through  
15 42-9-109 for the period beginning July 1, 2023 and ending  
16 June 30, 2024. This appropriation shall not be transferred  
17 or expended for any other purpose and any unexpended,  
18 unobligated funds remaining from this appropriation on June  
19 30, 2024 shall revert as provided by law. It is the intent  
20 of the legislature that an appropriation to fund the  
21 hospital services authorized by this act be included in the  
22 department of health's standard budget request for the  
23 immediately succeeding fiscal biennium. The appropriations

1 provided by this section shall only be expended if the  
2 state Medicaid plan amendment specified by this act is  
3 approved and shall be expended solely for the purposes of  
4 making provider payments or reimbursements under the  
5 amended state Medicaid plan.

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7       **Section 4.** The department of health is authorized one  
8 (1) additional full-time position for the purposes of the  
9 following acts: the Wyoming Nursing Care Facility  
10 Assessment Act under W.S. 42-8-101 through 42-8-109, the  
11 Wyoming Private Hospital Assessment Act under W.S. 42-9-101  
12 through 42-9-109 and the Wyoming Private Ground Ambulance  
13 Service Provider Assessment Act under W.S. 42-11-101  
14 through 42-11-109. There is appropriated forty-eight  
15 thousand eight hundred thirty dollars (\$48,830.00) from the  
16 federal funds available for this purpose to the department  
17 of health for purposes of this section. This appropriation  
18 shall not be transferred or expended for any other purpose  
19 and any unexpended, unobligated funds remaining from this  
20 appropriation on June 30, 2024 shall revert as provided by  
21 law. It is the intent of the legislature that an  
22 appropriation to fund this position as authorized by this  
23 section be included in the department of health's standard

1 budget request for the immediately succeeding fiscal  
2 biennium.

3

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

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6 (END)