

**DRAFT ONLY  
NOT APPROVED FOR  
INTRODUCTION**

HOUSE BILL NO. [BILL NUMBER]

State health facility missions-statutory compliance.

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

A BILL

for

1 AN ACT relating to institutions of the state; amending  
2 qualifications to receive services from state health care  
3 facilities; amending the mission of state healthcare  
4 facilities; conforming statutes; specifying applicable  
5 federal standards for rulemaking; updating obsolete  
6 language; providing definitions; and providing for an  
7 effective date.

8

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

10

11 **Section 1.** W.S. 14-6-219(b), (c) and (d),  
12 25-5-102(b)(xiv), (xxii) and by creating new paragraphs

1 (xxx) through (xxxv), 25-5-103(a)(intro) and (ii) and by  
2 created a new subsection (b), 25-5-105(a)(intro),  
3 25-5-114(a), 25-5-115(a)(intro), 25-9-101(a)(intro) and  
4 35-2-906 by creating a new subsection (g) are amended to  
5 read:

6

7 **14-6-219. Physical and mental examinations;**  
8 **involuntary commitment of incompetents; subsequent**  
9 **proceedings.**

10

11 (b) If a child has been committed to a medical  
12 facility or institution for mental examination prior to  
13 adjudication of the petition and if it appears to the court  
14 from the mental examination that the child is competent to  
15 participate in further proceedings and is not suffering  
16 from mental illness or intellectual disability to a degree  
17 rendering the child subject to involuntary commitment to  
18 the Wyoming state hospital ~~or the Wyoming life resource~~  
19 ~~center~~, the court shall order the child returned to the  
20 court without delay.

21

22 (c) If it appears to the court by mental examination  
23 conducted before adjudication of the petition that a child

1 alleged to be delinquent is incompetent to participate in  
2 further proceedings by reason of mental illness or  
3 intellectual disability to a degree rendering the child  
4 subject to involuntary commitment to the Wyoming state  
5 hospital ~~or the Wyoming life resource center~~, the court  
6 shall hold further proceedings under this act in abeyance.  
7 The district attorney shall then commence proceedings in  
8 the district court for commitment of the child to the  
9 appropriate institution as provided by law.

10

11 (d) The juvenile court shall retain jurisdiction of  
12 the child on the petition pending final determination of  
13 the commitment proceedings in the district court. If  
14 proceedings in the district court commit the child to the  
15 Wyoming state hospital, ~~the Wyoming life resource center~~ or  
16 any other facility or institution for treatment and care of  
17 people with a mental illness ~~or an intellectual disability~~,  
18 the petition shall be dismissed and further proceedings  
19 under this act terminate. If proceedings in the district  
20 court determine the child does not have a mental illness ~~or~~  
21 ~~an intellectual disability~~ to a degree rendering him  
22 subject to involuntary commitment, the court shall proceed

1 to a final adjudication of the petition and disposition of  
2 the child under the provisions of this act.

3

4 **25-5-102. Definitions.**

5

6 (b) As used in this act:

7

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

11

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

19

20 (xxx) "Skilled nursing facility services" means  
21 skilled nursing facility services as defined by applicable  
22 federal statutes, rules and regulations;

23

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

4  
5           (xxxii) "Exceptionally difficult behaviors" means  
6 a high level of assaultive or self-injurious behavior in a  
7 person with an intellectual disability or an acquired brain  
8 injury. These behaviors may include aggression and violent  
9 behavior, wandering, sexually inappropriate behavior, self-  
10 endangering behaviors or medicine non-compliance. The level  
11 of behaviors shall be measured by a standardized assessment  
12 and pursuant to criteria established by the department  
13 under W.S. 25-5-105(a)(i);

14  
15           (xxxiii) "Geriatric psychiatric" means a person  
16 who is:

17  
18                   (A) Over the age of sixty (60);

19  
20                   (B) Eligible for skilled nursing facility  
21 services pursuant to the long term care assessment defined  
22 in W.S. 42-6-102(a)(vii);

23

1                   (C) Diagnosed with dementia or serious and  
2 persistent mental illness; and

3

4                   (D) Exhibiting assaultive or self-injurious  
5 behaviors due to the person's mental illness, placing them  
6 at risk of psychiatric hospitalization. These behaviors may  
7 include aggression and violent behavior, wandering,  
8 sexually inappropriate behavior, self-endangering behaviors  
9 or medicine non-compliance.

10

11                   (xxxiv) "High medical need" means a person who  
12 is:

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

16

17                   (B) Does not meet the criteria of W.S. 25-  
18 5-102(b)(xxxii) or 25-5-102(b)(xxxiii); and

19

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

23

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

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

5  
6                   (B) Does not meet the criteria of W.S. 25-5-  
7 102(b)(xxxii) through 25-5-102(b)(xxxiv); and

8  
9                   (C) For whom no community skilled nursing  
10 facility service provider has been identified in the state  
11 within a time period defined by the department.

12  
13           **25-5-103. Wyoming life resource center established;**  
14 **purpose.**

15  
16           (a) Except as otherwise authorized by rules and  
17 regulations promulgated in accordance with W.S. 9-2-106(d),  
18 the Wyoming life resource center is established to provide  
19 the following residential, active treatment, ~~and assistive~~  
20 technology, medical and therapy services only to  
21 individuals with a disability for whom the center is the  
22 most appropriate, least restrictive and most integrated

1 environment for delivery of the services as specified

2 below:

3

4 (ii) Skilled nursing facility services to the  
5 following:

6

7 (A) Persons with acquired brain injuries  
8 who manifest exceptionally difficult behaviors;

9

10 (B) Persons with a geriatric psychiatric  
11 condition;

12

13 (C) Persons with high medical need;

14

15 (D) Persons who are hard to place.

16

17 (b) The Wyoming life resource center may provide  
18 technical assistance and assistive technology outreach  
19 services to persons made eligible pursuant to rules adopted  
20 by the department.

21

22 **25-5-105. Rules and regulations; reports.**

23



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

6

7           **25-5-114. Eligibility for admission; appropriateness**  
8 **of services.**

9

10           (a) Except as otherwise authorized by rules and  
11 regulations promulgated in accordance with W.S. 9-2-106(d),  
12 a person shall ~~not~~ be admitted to the center only if he is  
13 an individual qualifying for services under W.S. 25-5-  
14 103(a) and his preadmission evaluation and screening does  
15 not indicate that he would be more appropriately served by  
16 the Wyoming state hospital, a community program or a public  
17 school program.

18

19           **25-5-115. Preadmission screening for residential**  
20 **services; preparation and supervision thereof; disposition**  
21 **of findings.**

22

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

5

6 **25-9-101. Purpose; admission of veterans and**  
7 **veterans' dependents.**

8

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

14

15 **35-2-906. Construction and expansion of facilities;**  
16 **exemption.**

17

18 (g) Beds constructed at the Wyoming life resource  
19 center or Wyoming veterans' home shall be exempted from  
20 this section.

21

22 **Section 2.** W.S. 25-5-103(a)(iii) and 25-5-115(a)(iii)  
23 are repealed.

1

2

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

3

4

(END)

