

SUMMARY *of* PROCEEDINGS



JOINT LABOR, HEALTH & SOCIAL SERVICES COMMITTEE

COMMITTEE MEETING INFORMATION

August 11-12, 2022 | 8:30 AM
Thyra Thomson State Office Building, Round House Conference Room, 3rd Floor, Room 3024
444 W Collins Drive
Casper, Wyoming

COMMITTEE MEMBERS PRESENT

Senator Fred Baldwin, Co-chairman
Representative Sue Wilson, Co-chairman
Senator Dan Furphy
Senator Lynn Hutchings
Senator Troy McKeown
Senator Jeff Wasserburger
Representative Cathy Connolly
Representative Jamie Flitner
Representative Tim Hallinan
Representative Pepper Ottman
Representative Clarence Styvar

COMMITTEE MEMBERS NOT PRESENT

Representative Landon Brown
Representative Andi LeBeau
Representative Robert Wharff

LEGISLATIVE SERVICE OFFICE STAFF

Anna Johnson, Staff Attorney
Donna Shippen, Research Deputy Administrator
Katie Talbott, Legislative Editor

OTHERS PRESENT AT MEETING

Please refer to [Appendix 1-02](#) to review the Committee Sign-in Sheet for a list of other individuals who attended the meeting.

The Committee Meeting Summary of Proceedings (meeting minutes) is prepared by the Legislative Service Office (LSO) and is the official record of the proceedings of a legislative committee meeting. This document does not represent a transcript of the meeting; it is a digest of the meeting and provides a record of official actions taken by the Committee. All meeting materials and handouts provided to the Committee by the Legislative Service Office, public officials, lobbyists, and the public are on file at the Legislative Service Office and are part of the official record of the meeting. An index of these materials is provided at the end of this document and these materials are on file at the Legislative Service Office. For more information or to review meeting materials, please contact the Legislative Service Office at (307) 777-7881 or by e-mail at lso@wyoleg.gov. The Summary of Proceedings for each legislative committee meeting can be found on the Wyoming Legislature's website at www.wyoleg.gov.

EXECUTIVE SUMMARY

The Joint Labor, Health and Social Services Interim Committee met for two days in Casper, Wyoming at the Thyra Thomson Casper State Office Building. The Committee received information regarding supplemental payment programs for psychiatric residential treatment facilities (PRTFs), Medicaid postpartum coverage, organ donation and insurance coverage related to organ donation, statutory updates for coroners, and a discussion concerning the Healthcare survey process. The Committee discussed mental health services for juveniles with court-ordered placements, mental health workforce compacts and an alternative treatment for substance use disorders. The Committee also toured the Natrona County Coroner's Office in Casper. The Committee requested bill drafts concerning upper payment limits for PRTFs; burial-transit permits for funeral practitioners; a revised bill for juvenile delinquency placement; and two bill drafts relating to mental health professionals' compacts. The meeting can be viewed on YouTube – Joint Labor, Health & Social Services, August 11, 2022 **AM, PM**, and August 12, 2022 **AM, and PM**.

CALL TO ORDER (THURSDAY, AUGUST 11, 2022)

Co-chairman Wilson called the meeting to order at 8:30 AM. The following sections summarize the Committee proceedings by topic. Please refer to **Appendix 1-01** to review the Committee Meeting Agenda.

FOLLOW UP FROM JUNE COMMITTEE MEETING

Supplemental payment program for PRTFs

Director Stefan Johansson, Wyoming Department of Health (WDH) provided an overview of supplemental payment programs for psychiatric residential treatment facilities (PRTFs) and suggested the possibility of amending the state Medicaid plan to allow PRTFs to receive Medicaid supplemental payments from the existing private hospital supplemental payment program (SPP).

Eric Boley, Wyoming Hospital Association (WHA), and consultants from Husch Blackwell, LLP advocated for enhanced PRTF funding to assist the State's two facilities, Wyoming Behavioral Institute and St. Joseph's, in providing necessary treatment for adolescents with psychiatric issues. (**Appendix 2-01, Appendix 2-02, Appendix 2-04, Appendix 2-05**)

Committee Action

The Committee voted for a bill draft that authorizes WDH to pursue an upper payment limit program for PRTFs and assess revenue draw down of federal funds to pay for PRTFs.

23LSO-0056 Medicaid-temporary twelve month postpartum coverage

The proposed bill, **Appendix 2-06**, would extend Medicaid coverage from the current 60 days to 12 months postpartum. Director Johansson provided the Committee with information requested at their June 2022 meeting. The estimated cost to the State of Wyoming to extend Medicaid postpartum coverage would be \$3.8 million dollars per biennium. Franz Fuchs, WDH, estimated the monthly enrollment would increase by 1250 mothers every month for the extension period.

Public Comment

Mary Lynn Shickich, Tracy Brosius, Ariel Bernath, Rebecca Smith-Hazelton, Lindsey Simineo, Sheila Bush and Josh Hannes spoke in favor of a Medicaid postpartum extension.

Committee Action

The Committee moved to sponsor 23LSO-0056 (Medicaid-temporary twelve month postpartum coverage) in the 2023 General Session. The Committee adopted the following amendments to 23LSO-0056:

Page 2-line 9 Strike July 1 and insert March 31
 Page 3, lines 19-20 Insert \$3.8 million for general and federal

The motion to sponsor 23LSO-0056 passed on a roll call vote with all members voting in favor of the motion except Senators Hutchings, and McKeown, and Representatives Hallinan, Ottman, and Styvar.

ORGAN DONATION - INSURANCE COVERAGE AND PROCESS

LSO statutory overview of organ donation

Anna Johnson, Legislative Service Office (LSO) staff attorney presented a memo summarizing current Wyoming and selected other state statutes regarding organ donation.

Mavis Earnshaw, Wyoming Department of Insurance (DOI), provided testimony regarding health, disability and life insurance policies regarding organ transplantation. Not all health insurance policies include organ transplant coverage and if they are covered by insurance, then only when the organ transplant is deemed medically necessary.

Representative O'Hearn presented 2022 HB0120 (Living organ donor protection), see [Appendix 3-04](#). The bill prohibits discrimination against living organ donors by health, disability, life or long-term insurance policies. The bill was not introduced during the 2022 Session.

Public Comment

Anne Bina, Casper, received a kidney from a deceased donor in 1999. Ms. Bina spoke on behalf of the Wyoming Donor Alliance and about concerns of discrimination toward living donors in terms of employment and insurance. Twenty-nine states have passed living donor protection acts.

Heather Roe Day, Blue Cross Blue Shield (BCBS), told the Committee that under the Affordable Care Act (ACA), health plans are not allowed to deny coverage or increase rates based on an individual's health status.

Raymond Redd, BCBS, suggested additional information may be necessary concerning the disability insurance aspect of the issue.

Committee Action

The Committee suggested Rep. O'Hearn revise the bill based on comments and input from the Committee and sponsor it as a personal bill in the 2023 Session.

Funeral Practitioners

Laurie Urbigkit, Wyoming Funeral Directors Association, and Jeff Jacoby, funeral practitioner in Cheyenne, presented a memo, see [Appendix 3-05](#), regarding the issue of transportation of human remains across state lines. Mr. Jacoby has concerns about remains being released to unregulated businesses or entities. The handout provides a proposed amendment regarding chain of custody and burial-transit permits.

Public Comment

Jennifer Prinz, Donor Alliance, spoke in favor of a bill and supports Wyoming funeral practitioners.

Committee Action

The Committee requested a bill draft using the language on page 4 of the memo, see [Appendix 3-05](#).

CORONERS - STATUTORY UPDATES

Franz Fuchs, WDH, provided an overview of the information in slides 1-17, see [Appendix 5-01](#), outlining the costs and benefits of having a central state medical examiner's office. The WDH estimates it would cost an additional \$1 million dollars to create two additional forensic pathologist positions in the state. Funds would be collected from the counties to fund the positions. Based on WDH analysis, it would be best to place the pathologists in Casper.

Jim Whipps, Natrona County Coroner, described the difficulty in finding a Board Certified Pathologist to perform autopsies. There is currently only one forensic pathologist in the state and he is currently located in Sheridan. Surrounding states sometimes can't take additional work from Wyoming as they have ample workloads.

Public Comment

Representative Sweeney spoke in favor of creating a state medical examiner's office to meet the demand for forensic pathologists as well as rolling back the Board of Coroners' rules to allow for someone who isn't Board Certified to perform autopsies.

Committee Action

Co-chairman Wilson suggested (1) drafting a letter to the Board of Coroners to review today's testimony and amend the rule and (2) sending a letter to the Governor's health policy advisor asking the WDH to put in a budget request for two medical examiners and make it a self-funded program. The Committee requested to hear from County Commissioners and Coroners in October.

HEALTHCARE SURVEY PROCESS

The healthcare survey process is done on behalf of the Centers for Medicare and Medicaid Services (CMS) in order to certify and verify facilities receiving Medicaid meet healthcare industry standards.

Carolyn Paseneaux, Wyoming Healthcare Association, would like to see an educational approach to the survey process in an effort to train and retain staff.

Natalie Korell explained the current survey process and spoke in support of having an educational program that would help staff understand the process and to therefore improve the quality of care.

Director Johansson and Laura Hudspeth, WDH, presented slides 18-24, see [Appendix 5-01](#), in order to explain the healthcare survey process and that WDH administers the program. Mr. Johansson indicated that the Centers for Medicare and Medicaid Services (CMS) would likely prevent State surveyors from serving as educators for staff. Mr. Johansson suggested state funded education or a state office to provide the necessary training,

Eric Boley, Leading Age Wyoming, echoed the thought that CMS would not approve the use of funding programs for education. Mr. Boley spoke in favor of an educational program for facilities and staff as those surveys have increasingly become more punitive with difficult standards to achieve.

Committee Action

Co-chairman Wilson would like to hear from the University of Wyoming Health Sciences College regarding the possibility that they could provide assistance and training on the healthcare survey process and standards.

MEETING RECESS

The Committee recessed at 4:00 PM.

TOUR OF NATRONA COUNTY CORONER FACILITY (COMMITTEE MEMBERS ONLY)

Members of the Joint Labor, Health and Social Services Committee were provided with an informational tour of the Natrona County Coroner facility.

CALL TO ORDER (FRIDAY, AUGUST 12, 2022)

Co-Chairman Wilson called the meeting to order at 8:30 AM.

MENTAL HEALTH SERVICES FOR JUVENILES WITH COURT ORDERED PLACEMENT

Korin Schmidt, Director, and Lindsay Schilling, Department of Family Services (DFS), presented slides about juveniles with court ordered placements, see [Appendix 9-01](#). Director Schmidt and Ms. Schilling also presented information about identified problems and strategies for serving children with complex and intensive needs. Collaboration between DFS, WDH and the Wyoming Department of Workforce Services (DWS) has resulted in the formation of a Crisis Stabilization and Placement Task Force.

Joseph Belcher, Director, Office of Guardian Ad Litem (GAL), explained GAL's role in the juvenile justice system. Director Belcher state they have seen an increased need for out of home placements in Children in Need of Supervision (CHINS) cases. Typically, the cases tend to be mental health and trauma-related. Mr. Belcher explained that due to lack of appropriate placement facilities, troubled youth sometimes end up in county jails, which are not equipped to handle the mental health needs of these children. Funding is necessary to develop and find appropriate placement for these children.

Donna Sheen, Wyoming Children's Law Center and Wyoming Youth Justice Coalition, provided information about Wyoming's high rate of juvenile detention. Ms. Sheen suggested the Committee could require a structured decision-making process with established criteria to determine the best strategies for youth out of home placement. Ms. Sheen is opposed to using Title 25 when dealing with children as parental rights are taken away with little recourse or due process.

Ms. Sheen provided several materials and suggestions for potential legislation. ([Appendix 9-02](#), [Appendix 9-03](#), [Appendix 9-04](#), [Appendix 9-05](#), [Appendix 9-06](#), [Appendix 9-07](#))

Public Comment

Michelle Thompson, Converse County, described her experiences with adopting from the foster care system. She spoke in favor of early intervention and support services.

Bruce Burkland, Wyoming Youth Services Association, provided comment about out-of-home placement services. Many programs are short on therapists which results in youth waiting in detention before facility placement. Mr. Burkland also emphasized the importance of after-care services to maintain improvement in behaviors.

Andi Summerville, Wyoming Association of Mental Health and Substance Abuse Centers (WAMHSAC), spoke about the shortage of qualified therapists at the Wyoming Boys School. Currently, there is only one licensed therapist on staff and perhaps incentive programs could help with recruiting into the profession. Ms. Summerville spoke in favor of keeping Title 25 as an option for youth in cases where a parent or guardian cannot be located.

Lindsay Simineo, Wyoming Counselors Association (WCA), spoke about the challenges throughout the state when it comes to youth services. Ms. Simineo also discussed a Wyoming Department of Education grant-funded program to place licensed counselors in elementary, middle and high schools. Project Aware is a five-year grant program that parents and children can utilize. It is currently used in several Wyoming counties.

Eleanor Downey, University of Wyoming (UW), explained their efforts to increase the number of social workers licensed in Wyoming. She said the majority of services related to mental health and substance abuse are provided by social workers. UW will be offering a part-time master's degree program in social work out of the Casper, Wyoming campus. Ms. Downey would like an appropriation to keep the programs going in the future as well as possible loan forgiveness to help with recruitment.

Committee Action

The Committee voted to have 22LSO-0176 (Juvenile delinquency-removal placement recommendations), amended, drafted for Committee review.

MENTAL HEALTH WORKFORCE - INTERSTATE COMPACTS

Lindsay Simineo, WCA, presented a draft bill that was introduced in 2022, SF0054, and a counseling compact fact sheet, see [Appendix 11-02](#) and [Appendix 11-01](#). Fifteen states, including Colorado, Nebraska, and Utah have signed the compact.

Kelly Heenan, Mental Health Professionals Licensing Board, spoke in favor of the draft compact bill.

Hollis Hackman, Wyoming Psychological Association (WPA), presented a draft bill that was introduced to the 2020 Legislature, SF0037, to adopt the Psychology Interjurisdictional Compact (Psypact), see [Appendix 11-03](#). The majority of WPA members support the compact; 34 states have signed the compact.

Dr. Sadie Cole, Jackson, Wy., spoke in favor of the compact and said the benefits to providers and clients far outweigh the cost of potential problems. COVID-19 impacted access to care and believes this compact would make access to care easier.

Don Benson, WPA, provided information about possible assessments that counselors can provide via telehealth.

Dr. Tess Kilwein, Laramie, spoke in favor of the Psypact. Dr. Kilwein is licensed in 40 states and the cost savings to her would be significant as she would only pay one licensing fee, among other benefits.

Public Comment

Andi Summerville, WAMHSAC, spoke in favor of the compacts and believes the compacts have been thoroughly vetted. The need for clinicians is dire and this could help the cause.

Committee Action

The Committee voted to request bill drafts of both compacts, the Counseling Compact and the Psychology Interjurisdictional Compact, with immediate effective dates.

ALTERNATIVE TREATMENT FOR SUBSTANCE ABUSE DISORDER

Mark Mendoza and Scott Schepers, Pear Therapeutics, presented information on prescription digital therapeutics (PDT) software for substance use and opioid use disorders, see **Appendix 12-01**. They encouraged the Wyoming Legislature to fund a pilot program for PDT prescriptions in the state. Mr. Schepers said they turned to digital technology for this because technology is so pervasive. Telemedicine and telehealth services already exist so this is complimentary to those methods of treatment. The program has been approved by the Food and Drug Administration (FDA) and 88% of people that use the application are accessing it outside of normal clinic hours.

Public Comment

Andi Summerville, WAMHSAC, provided Pear Therapeutic's information to her organization's directors and they were supportive of the idea. She expressed concerns about the availability of broadband in the state before this could be implemented on a large scale. She spoke in favor of the idea.

Committee Action

Co-chairman Wilson and Co-chairman Baldwin asked the Committee to consider the use of unallocated ARPA funds to fund the pilot study and would like input from the Governor's Office and WDH on planned allocations for the remaining ARPA funds.

MEETING ADJOURNMENT

There being no further business, Co-chairman Wilson adjourned the meeting at 3:35 PM.

Respectfully submitted,

Representative Sue Wilson, Co-chairman

Committee Meeting Materials Index

Index Number	Agenda Item	Document Description	Document Provider
1-01		Agenda	Legislative Service Office
1-02		Sign-In Sheet	Legislative Service Office
2-01	Follow up from June Committee meeting	WY PRTF Presentation	Wyoming Hospital Association
2-02	Follow up from June Committee meeting	Advocacy for PRTF SPP-WBI-St. Joseph	Wyoming Hospital Association
2-03	Follow up from June Committee meeting	Bullet Points PRTF	Wyoming Hospital Association
2-04	Follow up from June Committee meeting	Wy State Plan Amendment-Proposed	Wyoming Hospital Association
2-05	Follow up from June Committee meeting	WHA Proposed Amendment to Private Hospital Assessment Act	Wyoming Hospital Association
2-06	Follow up from June Committee meeting	23LSO-0056 Medicaid-temporary twelve month postpartum coverage	LSO
3-01	Organ donation - Insurance coverage and process	Organ donation and coroners memo	LSO
3-02	Organ donation - Insurance coverage and process	2017 LSO Issue Brief and Donor Alliance	LSO
3-03	Organ donation - Insurance coverage and process	Rep Ohearn-National Kidney Foundation	Rep. O'hearn
3-04	Organ donation - Insurance coverage and process	2022 HB0120-Living organ donor protection	LSO
3-05	Organ donation - Insurance coverage and process	Memo - Burial-transit Permit	Wyoming Funeral Directors Association
5-01	Coroners - Statutory updates	WDH Statewide Forensic Pathologist Slides (1-17)	Wyoming Department of Health

9-01	Mental health services for juveniles with court ordered placement	Mental health services for court ordered placements	Wyoming Department of Family Services
9-02	Mental health services for juveniles with court ordered placement	2020 Juvenile incarceration in Wyoming	Children's Law Center
9-03	Mental health services for juveniles with court ordered placement	Structured Decision handout	Children's Law Center
9-04	Mental health services for juveniles with court ordered placement	DFS Placement Data	Children's Law Center
9-05	Mental health services for juveniles with court ordered placement	American Academy of Pediatrics Factsheet	Children's Law Center
9-06	Mental health services for juveniles with court ordered placement	22LSO-0176-Juvenile delinquency-removal	Children's Law Center
9-07	Mental health services for juveniles with court ordered placement	Draft bill prohibiting Title 25 for children	Children's Law Center
11-01	Mental health workforce - Interstate compacts	2022 SF0054-Licensed professional counselor compact	LSO
11-02	Mental health workforce - Interstate compacts	Counseling Compact Fact Sheet	Wyoming Counseling Association
11-03	Mental health workforce - Interstate compacts	2020 SF0037 Psychology Interjurisdictional Compact	LSO
12-01	Alternative treatment to substance abuse disorder	Pear Therapeutics presentation	Pear Therapeutics