

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO.

Certificate of need repeal.

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

A BILL

for

1 AN ACT relating to public health and safety; repealing bed
2 expansion limitations for nursing care facilities and
3 hospitals as specified; making conforming amendments; and
4 providing for an effective date.

5

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

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8 **Section 1.** W.S. 35-2-901(a)(v) and 35-2-906(b), (c)
9 (f) and (g) are repealed.

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STAFF COMMENT

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1 The language repealed by this bill draft is highlighted and
2 is as follows:

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4 35-2-901. Definitions; applicability of provisions.

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6 (a) As used in this act:

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8 (v) "Construction area" means thirty (30)
9 highway miles, from any existing nursing care facility or
10 hospital with swing beds to the site of the proposed
11 nursing care facility, as determined by utilizing the state
12 map prepared by the Wyoming department of transportation;

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14 For the Committee's information, the term "construction
15 area" is only used once in W.S. 35-2-906(b), which is
16 repealed by this bill draft.

17
18 35-2-906. Construction and expansion of facilities;
19 exemption.

20
21 (a) A licensee who contemplates construction of or
22 alteration or addition to a health care facility shall
23 submit plans and specifications to the division for
24 preliminary inspection and approval prior to commencing
25 construction. Significant changes to the original plans
26 must also be submitted and approved prior to
27 implementation. The plans and any changes shall indicate
28 any increase in the number of beds.

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30 (b) Nursing care facility beds shall not be expanded
31 or constructed if the average of all the nursing care bed
32 occupancy, excluding veteran administration beds, in the
33 construction area is eighty-five percent (85%) or less
34 based upon the annual occupancy report prepared by the
35 division.

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37 (c) Notwithstanding the other provisions of this
38 section any nursing care facility or hospital may, in any
39 two (2) year period, increase its bed capacity by ten
40 percent (10%) of the current nursing care facility bed
41 capacity or by not more than ten (10) beds.

42
43 (d) Repealed By Laws 2002, Ch. 87, § 2.

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45 (e) Repealed By Laws 2002, Ch. 87, § 2.

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(f) Beds in adult foster care homes and beds in alternative eldercare homes constructed pursuant to the pilot programs authorized in W.S. 42-6-104 and 42-6-105 shall not be considered as nursing care facility beds for the purposes of this section.

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

Section 2. This act is effective July 1, 2024.

(END)