

WORKING DRAFT

HOUSE BILL NO. _____

Mental health and substance abuse appropriations.

Sponsored by: Select Committee on Mental Health and
Substance Abuse Services

A BILL

for

1 AN ACT relating to appropriations for mental health and
2 substance abuse programs; providing appropriations,
3 providing continuous appropriations; specifying conditions;
4 requiring rulemaking; continuing a study of the mental
5 health and substance abuse services delivery system;
6 requiring reports; authorizing positions; and providing for
7 effective dates.

8

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

10

11 **Section 1. Wyoming state hospital facilities study.**

12

13 (a) There is appropriated one hundred seventy-three
14 thousand six hundred eighty dollars (\$173,680.00), or as
15 much thereof as is necessary, from the general fund to the

1 department of administration and information.
2 Notwithstanding W.S. 9-4-207, funds appropriated under this
3 section shall not lapse or revert to the general fund at
4 the end of the biennium ending June 30, 2006.

5
6 (b) The state building commission shall use the funds
7 appropriated under this section to enter into competitive
8 bid contracts with one (1) or more entities to conduct a
9 building assessment of the physical infrastructure at the
10 Wyoming state hospital to determine the extent to which
11 buildings and other structures at the Wyoming state
12 hospital may need to be remodeled, repaired or replaced.
13 The state building commission shall report to the joint
14 appropriations interim committee no later than September 1,
15 2007, with a description of the current physical facilities
16 at the Wyoming state hospital, the extent to which
17 structures need to be remodeled or replaced to meet life
18 safety codes and any other standards applicable to
19 facilities for the treatment and housing of mentally ill
20 persons, and the projected costs for such proposals.

21

22 (c) The Wyoming state hospital shall assist the state
23 building commission and its contractors, as necessary, to
24 determine the needs of the physical facilities at the state

1 hospital. The state hospital shall specifically establish
2 a strategic plan defining its mission in treatment of
3 mentally ill persons in the state and shall report to the
4 joint appropriations interim committee and the select
5 committee on mental health and substance abuse services no
6 later than August 1, 2006. The strategic plan shall
7 include a description of:

8

9 (i) The scope of acute adult psychiatric care the
10 state hospital will provide;

11

12 (ii) The scope of forensic examinations and
13 treatment the state hospital will provide for persons who
14 have entered a plea of not guilty by reason of mental
15 illness or deficiency under W.S. 7-11-301 through 7-11-307;

16

17 (iii) The scope of in-patient and out-patient
18 services the state hospital will provide;

19

20 (iv) The scope of geropsychiatric services the
21 state hospital will provide;

22

23 (v) The availability and projected need for adult
24 voluntary and involuntary acute psychiatric care.

1

2 (d) This section is effective immediately upon
3 completion of all acts necessary for a bill to become law
4 as provided by Article 4, Section 8 of the Wyoming
5 Constitution.

6

7 **Section 2. Advocacy liaison position at Wyoming state**
8 **hospital.**

9

10 (a) There is appropriated one hundred fifty thousand
11 dollars (\$150,000.00), or as much thereof as is necessary,
12 from the general fund for the biennium beginning July 1,
13 2006, to the Wyoming attorney general to contract with the
14 federally funded agency established under the federal
15 Protection and Advocacy for Mentally Ill Individuals Act
16 (42 U.S.C. 10803) for a liaison position located at the
17 Wyoming state hospital to ensure the safety, treatment and
18 civil rights of residents at the state hospital are
19 protected.

20

21 (b) The state hospital shall provide office space and
22 equipment necessary for the liaison position to perform its
23 functions, but the liaison shall not be a state employee
24 for purposes of the attorney general's or the department of

1 health's budgets. The liaison shall be hired and subject to
2 the policies of the federally funded agency specified in
3 subsection (a) of this section.

4

5 (c) The attorney general shall, in consultation with
6 the federally funded agency specified in subsection (a) of
7 this section, establish criteria to provide the liaison
8 with maximum access to patients and facilities at the state
9 hospital, consistent with state and federal privacy and
10 treatment standards.

11

12 (d) The liaison shall report its activities and
13 findings directly to the federally funded agency specified
14 in subsection (a) of this section. Any findings by the
15 liaison of alleged violations or practices that compromise
16 the safety, treatment or civil rights of patients at the
17 state hospital shall, immediately upon receipt from the
18 liaison, be provided by the federally funded agency to the
19 administrator of the state hospital, the director of the
20 department of health and the attorney general.

21

*****Staff Comment*****

22 **The preceding section is a placeholder, pending**
23 **completion of negotiations between the Attorney**
24 **General and Protection & Advocacy Systems, Inc.**
25 **with respect to the details of the proposed**
26 **liaison position at the Wyoming State Hospital.**

1

2 **Section 3. Community services enhancements.**

3

4 (a) There is appropriated three million two hundred
5 five thousand ninety-eight dollars (\$3,205,098.00), or as
6 much thereof as is necessary, from the general fund for the
7 biennium beginning July 1, 2006, to the department of
8 health, mental health division, to reimburse community
9 based mental health and substance abuse centers with whom
10 the division has contracts, for community services
11 enhancements. The funds appropriated under this section
12 shall be used by the community mental health and substance
13 abuse centers to enhance supported independent living,
14 including emergency subsistence, prescription medication,
15 other health and medical supports, housing, transportation,
16 development of socialization skills, respite care and other
17 appropriate services, as determined by the department of
18 health.

19

20 **Section 4. Medicaid waiver.**

21

22 (a) The department of health shall apply for a mental
23 health waiver from the federal centers for Medicare and
24 Medicaid services (CMS) to allow the provision of services

1 under the mental health waiver to children who are in need
2 of mental health services under the Wyoming Medical
3 Assistance and Services Act, in such a manner that will not
4 require the child's family to relinquish legal custody of
5 the child. Children eligible under the waiver shall be
6 required to:

7

8 (i) Undergo an evaluation to determine a
9 diagnosis and level of care;

10

11 (ii) Meet the federal definition of a child with
12 a serious emotional disturbance as defined in 34 C.F.R.
13 part 300.7;

14

15 (iii) Meet at least one (1) Medicaid criterion
16 for inpatient psychiatric hospitalization;

17

18 (iv) Receive a recommendation from a licensed
19 mental health professional that the child can safely be
20 served in his home, school and community; and

21

22 (v) Meet Medicaid financial eligibility
23 requirements based on the child's own resources, without

1 regard to the resources of other members of the child's
2 family unit.

3

4 (b) Up to two hundred fifty (250) children may be
5 served under the mental health waiver, if approved by CMS,
6 on a first-come, first-served basis. The department shall
7 screen children for eligibility prior to placing the child
8 on a waiting list for services under the mental health
9 waiver. The waiting list and the status of each child on
10 the waiting list with respect to eligibility and the need
11 for services shall be reviewed at least quarterly by the
12 department.

13

14 (c) For purposes of this section and contingent upon
15 approval of the waiver by CMS, there is appropriated for
16 the biennium beginning July 1, 2006, to the department of
17 health, mental health division, the following amounts to
18 implement the purposes of the mental health waiver:

19

20 (i) Four million three hundred eighty-seven
21 thousand four hundred eighty dollars (\$4,387,480.00) from
22 the general fund;

23

1 (ii) Four million eight hundred twelve thousand
2 five hundred twenty dollars (\$4,812,520.00) from federal
3 funds.

4
5 (d) Subsection (a) of this section is effective
6 immediately upon completion of all acts necessary for a
7 bill to become law as provided by Article 4, Section 8 of
8 the Wyoming Constitution.

9
10 **Section 5. Bereavement counseling.**

11
12 (a) There is appropriated from the general fund to the
13 department of health, mental health division, fifty
14 thousand dollars (\$50,000.00), which the division may
15 distribute, upon application from qualified private, not-
16 for-profit agencies providing mental health service under
17 contract with the division, for bereavement services to
18 surviving family members of deceased emergency responders
19 who died while in the performance of their official duties
20 responding to a civil or military emergency, or natural or
21 human caused disaster.

22

1 (b) The department of health shall promulgate rules
2 and regulations to implement this section, no later than
3 November 1, 2006.

4
5 (c) Notwithstanding W.S. 9-4-207, funds appropriated
6 under this section shall not lapse or revert to the general
7 fund at the end of the biennium and shall remain in a
8 bereavement account established by the department of health
9 until disbursed by the department for the purposes
10 specified in this section. Any interest earned on the
11 funds in the account shall remain in the account until
12 disbursed by the department for the purposes specified in
13 this section.

14
15 **Section 6. Regional pilot projects.**

16 *****Staff Comment*****

17 Concern with paragraph (b)(ii) of this section has
18 resulted in alternative language being provided
19 below for subsections (a) & (b). The concerns
20 include: 1) the psychiatrists should be employees
21 of the contracting provider, and not of the Dept.
22 of Health; and 2) if the Department is unable to
23 recruit and hire psychiatrists, the requirement
24 in paragraph (b)(ii) would make it impossible to
25 enter into the contracts for the pilot projects.
26 The authority to hire and funding for the Dept.
27 of Health psychiatrists can be found in Section 9
28 of this act.

29

1 (a) The department of health, mental health division,
2 may enter into not more than two (2) separate contracts for
3 pilot projects within the state to enhance acute
4 psychiatric care services within regions it shall
5 designate. The contracts shall be entered into after
6 competitive bidding. The contracts shall include
7 assurances that:

8

9 (i) At least one (1) psychiatrist and other
10 appropriate allied health care providers shall be available
11 within the region to provide acute psychiatric services on
12 behalf of the contractor;

13

14 (ii) Transportation shall be available for
15 clients to and from the treatment facility;

16

17 (iii) Services shall be provided, as necessary,
18 to enable clients to transition back into the community or
19 to another more appropriate facility;

20

21 (iv) Outcome measurements shall be developed and
22 the outcomes documented, with due consideration of clients'
23 privacy.

24

1 (b) Contracts under this section shall not be entered
2 into unless and until the department:

3
4 (i) Adopts rules designating authorized treatment
5 facilities under W.S. 25-10-104;

6
7 (ii) Has hired additional psychiatrists, which
8 psychiatrists shall be located in regions designated by the
9 department as having the most critical need for
10 psychiatrists;

11
12 (iii) Ensures that it shall pay the costs of
13 transportation to the contracted acute psychiatric care
14 facilities; and

15
16 (iv) Has developed and made available a voluntary
17 training program for primary care physicians, mental health
18 workers and allied health care providers to develop and
19 enhance systems of care that can provide acute psychiatric
20 care throughout the state.

21
22 *Alternative language for subsections (a) & (b)*

23 (a) *The department of health, mental health division,*
24 *may enter into not more than two (2) separate contracts for*

1 *pilot projects within the state to enhance acute*
2 *psychiatric care services within regions it shall*
3 *designate. The contracts shall be entered into after*
4 *competitive bidding. The contracts shall include*
5 *assurances that:*

6
7 *(i) At least one (1) psychiatrist and other*
8 *appropriate allied health care providers are available*
9 *within the region to provide acute psychiatric services. If*
10 *no psychiatrist practices within the region, the*
11 *contracting provider will be responsible for the hiring of*
12 *a psychiatrist before full funding associated with the*
13 *acute psychiatric care under the contract is disbursed by*
14 *the department;*

15
16 *(ii) Transportation shall be available for*
17 *clients to and from the treatment facility;*

18
19 *(iii) Services shall be provided, as necessary,*
20 *to enable clients to transition back into the community or*
21 *to another more appropriate facility;*

22

1 (iv) Outcome measurements shall be developed and
2 the outcomes documented, with due consideration of clients'
3 privacy.

4

5 (b) Contracts under this section shall not be entered
6 into unless and until the department:

7

8 (i) Adopts rules designating authorized treatment
9 hospitals under W.S. 25-10-104;

10

11 (ii) Ensures that it shall pay the costs of
12 transportation to the contracted acute psychiatric care
13 facilities; and

14

15 (iii) Has developed and made available a
16 voluntary training program for primary care physicians,
17 mental health workers and allied health care providers to
18 develop and enhance systems of care that can provide acute
19 psychiatric care throughout the state.

20

21 (c) There is appropriated two million eight hundred
22 three thousand one hundred dollars (\$2,803,100.00), or as
23 much thereof as is necessary, from the general fund to the
24 department of health, mental health division, for the

1 biennium beginning July 1, 2006, to implement the purposes
2 of this section.

3

4 (d) The department may commence the solicitation of
5 potential contractors under this section through requests
6 for proposals immediately.

7

8 (e) Subsection (d) of this subsection is effective
9 immediately upon completion of all acts necessary for a
10 bill to become law as provided by Article 4, Section 8 of
11 the Wyoming Constitution.

12

13 **Section 7. Involuntary commitment transportation.**

14

15 (a) Of the general fund appropriation for the Wyoming
16 state hospital, for the biennium beginning July 1, 2006,
17 four hundred twenty-four thousand three hundred twenty-four
18 dollars (\$424,324.00) shall be used only to pay the costs
19 of transporting persons involuntarily committed under W.S.
20 25-10-110 to the Wyoming state hospital and back to the
21 person's community, or another location within the state at
22 the person's request, upon release from the state hospital.
23 The funds specified under this subsection shall remain in a
24 separate account and shall not be commingled with any other

1 funds appropriated to, or managed by, the Wyoming state
2 hospital.

3

4 (b) In addition to the funds specified in subsection
5 (a) of this section, there is appropriated two hundred
6 thirty thousand four hundred ninety-six dollars
7 (\$230,496.00), or as much thereof as is necessary, from the
8 general fund to the Wyoming state hospital, for the
9 biennium beginning July 1, 2006. The appropriation under
10 this subsection shall be used only to pay the costs
11 associated with the establishment and operation of a mobile
12 team to transport persons involuntarily committed under
13 W.S. 25-10-110 to the Wyoming state hospital and back to
14 the person's community or another location within the state
15 at the person's request, upon release from the state
16 hospital, or to pay the costs of air transportation of such
17 involuntarily committed persons and necessary staff, upon
18 circumstances deemed appropriate by the administrator of
19 the state hospital. The funds appropriated under this
20 subsection shall remain in the separate account required
21 under subsection (a) of this section and shall not be
22 commingled with any other funds appropriated to, or managed
23 by, the department of health, except as provided in this
24 section.

1

2 (c) The Wyoming state hospital is authorized two (2)
3 full-time equivalent positions for the biennium beginning
4 July 1, 2006, to implement the purposes of this section.

5

6 **Section 8. Mental health consumer services.**

7

8 (a) There is appropriated five hundred thousand
9 dollars (\$500,000.00) from the general fund to the
10 department of health, mental health division, for the
11 biennium beginning July 1, 2006, to contract with a
12 consumer information and referral agency within the state.
13 The funds shall be used only for information, referral,
14 outreach and education services for consumers of mental
15 health services and their families. Funds appropriated
16 under this section shall not be used for lobbying purposes
17 before the legislature or the United States Congress.

18

19 **Section 9. Mental health statewide system**
20 **improvements.**

21

22 (a) There is appropriated eight million seven hundred
23 fifty-seven thousand dollars (\$8,757,000.00), or as much
24 thereof as is necessary, from the general fund to the

1 department of health, mental health division, for the
2 biennium beginning July 1, 2006, to implement statewide
3 mental health system improvements. The appropriation under
4 this section shall only be expended by the department as
5 follows:

6
7 (i) Not more than two million six hundred eighty-
8 eight thousand dollars (\$2,688,000.00) shall be for
9 salaries and benefits for not more than six (6)
10 psychiatrists to be hired by the mental health division and
11 located throughout the state in regions as designated by
12 the division;

13
14 (ii) Not more than four hundred twenty thousand
15 dollars (\$420,000.00) for recruitment of psychiatrists,
16 advanced nurse practitioners and physician assistants with
17 specialties in psychiatric care;

18
19 (iii) Not more than one million three hundred
20 forty-four thousand dollars (\$1,344,000.00) for crisis
21 response and triage;

22
23 (iv) Not more than three million dollars
24 (\$3,000,000.00) to implement social detoxification services

1 at community mental health centers under contract with the
2 department;

3

4 (v) Not more than one million three hundred five
5 thousand dollars (\$1,305,000.00) to increase early
6 intervention training and referral programs to identify
7 and serve children with at-risk behavioral or mental health
8 problems.

9

10 (b) The department of health, mental health division,
11 is authorized not more than six (6) additional full-time
12 equivalent positions to implement the purposes of paragraph
13 (a)(i) of this section.

14

15 **Section 10. Mental health outcomes development/data**
16 **infrastructure.**

17

18 (a) There is appropriated nine hundred forty-eight
19 thousand three hundred dollars (\$948,300.00), or as much
20 thereof as is necessary, from the general fund to the
21 department of health, mental health division, for the
22 biennium beginning July 1, 2006, to develop and enhance an
23 outcomes development and data infrastructure system. The
24 funds under this section shall be used as follows:

1

2 (i) Seven hundred eighty-four thousand dollars
3 (\$784,000.00) shall be for salaries and benefits for one
4 (1) statewide quality improvement manager who shall be an
5 employee of the mental health division and not more than
6 six (6) regional quality improvement coordinators, who
7 shall be hired by, and be employees of, community mental
8 health or substance abuse centers under contract with the
9 department;

10

11 (ii) One hundred thirty-five thousand eight
12 hundred dollars (\$135,800.00) shall be for regional and
13 statewide training and travel;

14

15 (iii) Twenty thousand one hundred dollars
16 (\$20,100.00) shall be for purchase of computer equipment;
17 and

18

19 (iv) Eight thousand four hundred dollars
20 (\$8,400.00) shall be for telecommunications expenses.

21

22 (b) The department of health, mental health division,
23 is authorized one (1) additional full-time equivalent

1 position for the biennium beginning July 1, 2006, for
2 purposes of this section.

3

4 (c) The department of health, mental health division,
5 shall expend the appropriation under this section to
6 establish a statewide quality improvement program which
7 will systematically monitor the effectiveness, efficiency,
8 appropriateness and quality of mental health care and
9 services. The department of health, mental health
10 division, shall negotiate with service providers specific
11 system performance measures and client outcome measures
12 utilized on the statewide quality improvement program, to
13 include, but not be limited to, access to and quality of
14 core and regional services, changes in employment and
15 residential status of clients, and cost effectiveness of
16 services. Quality improvement reports shall be provided to
17 the joint appropriations interim committee and the joint
18 labor, health and social services interim committee no
19 later than October 1 of each year, beginning October 1,
20 2007.

21

22 **Section 11. Mental health crisis stabilization.**

23

1 (a) There is appropriated one million fifty thousand
2 dollars (\$1,050,000.00), or as much thereof as is
3 necessary, from the general fund to the department of
4 health, mental health division, for the biennium beginning
5 July 1, 2006, to develop or enhance mental health crisis
6 stabilization at each of the regions designated by the
7 department. The funds under this section shall be
8 distributed under contracts competitively bid within each
9 of the regions designated by the department.

10

11 **Section 12. Substance abuse funding.**

12

13 (a) There is appropriated forty-four million six
14 hundred fifty-six thousand five hundred sixty-six dollars
15 (\$44,656,566.00), or as much thereof as is necessary, from
16 the general fund to the department of health, substance
17 abuse division, for the biennium beginning July 1, 2006, to
18 continue, restructure and build the following programs with
19 the funds specified:

20

21 (i) Not more than six million dollars
22 (\$6,000,000.00) to continue the methamphetamine initiative
23 authorized under 2005 House Bill 308;

24

1 (ii) Not more than twenty-one million one hundred
2 sixty-six thousand one hundred seventy-three dollars
3 (\$21,166,173.00) to continue residential substance abuse
4 treatment services for children, adolescents and women
5 previously funded with monies from the Temporary Assistance
6 to Needy Families Act bonus monies;

7

8 (iii) Not more than eight hundred seventy-seven
9 thousand two hundred twenty-two dollars (\$877,222.00) to
10 develop and enhance substance abuse treatment services data
11 collection;

12

13 (iv) Not more than four million four hundred
14 sixty thousand dollars (\$4,460,000.00) to develop and
15 enhance social and medical detoxification services;

16

17 (v) Not more than three million five hundred
18 sixty-two thousand six hundred forty dollars
19 (\$3,562,640.00) to continue and support the tobacco
20 quitline for the prevention and cessation of tobacco use;

21

22 (vi) Not more than four million twenty thousand
23 six hundred ninety dollars (\$4,020,690.00) to continue and
24 support system enhancements for the drug court program; and

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(vii) Not more than four million five hundred sixty-nine thousand eight hundred forty-one dollars (\$4,569,841.00) to expand the access to recovery program for adolescents and their families in Sheridan, Fremont and Laramie counties and the Wind River Indian Reservation.

*****Staff Comment*****

Some of the general fund appropriation in this section, may duplicate funding that is provided from other sources, such as the tobacco settlement income account or federal funds.

Section 13. Psychiatric residency rotations planning.

(a) Not later than October 1, 2006, the University of Wyoming shall submit a plan to the select committee on mental health and substance abuse services under which residents being trained in psychiatric residencies operated in other states will perform a psychiatric rotation within the state of Wyoming. The purpose of the plan and budget will be to provide exposure for psychiatrists in training to the opportunities for practice within Wyoming and also to enhance the availability of mental health services within the state. In developing the plan and the budget, the University shall consult with providers of mental

1 health services in Wyoming and the Wyoming department of
2 health. The plan and proposed budget shall recommend a
3 structure for placement of the program within Wyoming state
4 government.

5

6 (b) There is appropriated forty-five thousand dollars
7 (\$45,000.00) from the general fund to the University of
8 Wyoming for professional services, travel and other
9 expenses associated with the development of the plan
10 required under this section.

11

12 (c) This section is effective immediately upon
13 completion of all acts necessary for a bill to become law
14 as provided by Article 4, Section 8 of the Wyoming
15 Constitution.

16

17 **Section 14. Select committee on mental health and**
18 **substance abuse services**

19

20 (a) There is appropriated from the general fund to
21 the legislative service office seventy-five thousand dollars
22 (\$75,000.00) to be used for the select committee on mental
23 health and substance abuse services created by 2005 Wyoming
24 Session Laws, Chapter 195, to continue the study of issues

1 and propose legislation to provide more cost effective and
2 accessible delivery of mental health and substance abuse
3 services as provided in 2005 Wyoming Session Laws, Chapter
4 195.

5

6 (b) The committee shall meet as necessary and shall
7 report to the joint appropriations interim committee, the
8 joint labor, health and social services interim committee and
9 the joint Judiciary interim committee its findings and
10 recommendations no later than November 1, 2006.

11

12 (c) This section is effective immediately upon
13 completion of all acts necessary for a bill to become law
14 as provided by Article 4, Section 8 of the Wyoming
15 Constitution.

16

17 **Section 15.** Except as otherwise provided in this act,
18 this act is effective July 1, 2006.

19

20

(END)

1