

**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 budget reserve

1 account to the department of administration and  
2 information. Notwithstanding W.S. 9-4-207, funds  
3 appropriated under this section shall not lapse or revert  
4 to the general fund at the end of the biennium ending June  
5 30, 2006.

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

24

1           (c) The Wyoming state hospital shall assist the state  
2 building commission and its contractors, as necessary, to  
3 determine the needs of the physical facilities at the state  
4 hospital. The state hospital shall specifically establish  
5 a strategic plan, to be coordinated with the mental health  
6 division of the department of health, defining its mission  
7 in treatment of mentally ill persons in the state and shall  
8 report to the joint appropriations interim committee and  
9 the select committee on mental health and substance abuse  
10 services no later than August 1, 2006. The strategic plan  
11 shall include a description of:

12

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

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

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

23

1           (iv) The scope of geropsychiatric services the  
2 state hospital will provide;

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4           (v) The availability and projected need for adult  
5 voluntary and involuntary acute residential psychiatric  
6 care;

7           (vi) Other programs of care as may be determined  
8 to be appropriate to the institution.

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

14

15           **Section 2. Advocacy liaison position at Wyoming state**  
16 **hospital.**

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18          (a) There is appropriated one hundred fifty thousand  
19 dollars (\$150,000.00), or as much thereof as is necessary,  
20 from the general fund for the biennium beginning July 1,  
21 2006, to the Wyoming attorney general to contract with the  
22 federally funded agency established under the federal  
23 Protection and Advocacy for Mentally Ill Individuals Act  
24 (42 U.S.C. 10803) for a liaison position located at the

1 Wyoming state hospital to ensure the safety, treatment and  
2 civil rights of residents at the state hospital are  
3 protected.

4

5 (b) The state hospital shall provide office space and  
6 equipment necessary for the liaison position to perform its  
7 functions, but the liaison shall not be a state employee  
8 for purposes of the attorney general's or the department of  
9 health's budgets. The liaison shall be hired and subject to  
10 the policies of the federally funded agency specified in  
11 subsection (a) of this section.

12

13 (c) The attorney general shall, in consultation with  
14 the federally funded agency specified in subsection (a) of  
15 this section, establish criteria to provide the liaison  
16 with maximum access to patients and facilities at the state  
17 hospital, consistent with state and federal privacy and  
18 treatment standards.

19

20 (d) The liaison shall report its activities and  
21 findings directly to the federally funded agency specified  
22 in subsection (a) of this section. Any findings by the  
23 liaison of alleged violations or practices that compromise  
24 the safety, treatment or civil rights of patients at the

1 state hospital shall, immediately upon receipt from the  
2 liaison, be provided by the federally funded agency to the  
3 administrator of the state hospital, the director of the  
4 department of health and the attorney general.

5

6 **Section 3. Community services enhancements.**

7

8 (a) There is appropriated three million one hundred  
9 ninety-five thousand one hundred dollars (\$3,195,100.00),  
10 or as much thereof as is necessary, from the general fund  
11 for the biennium beginning July 1, 2006, to the department  
12 of health, mental health division, to reimburse community  
13 based mental health and substance abuse centers with whom  
14 the division has contracts, for community services  
15 enhancements. The funds appropriated under this section  
16 shall be used by the community mental health and substance  
17 abuse centers to enhance supported independent living,  
18 including emergency subsistence, prescription medication,  
19 other health and medical supports, housing, transportation,  
20 development of socialization skills, respite care and other  
21 appropriate services, as determined by the department of  
22 health.

23

1           (b) There is appropriated three million six hundred  
2 seventy thousand six hundred ninety-seven dollars  
3 (\$3,670,697.00), or as much thereof as is necessary, from  
4 the general fund for the biennium beginning July 1, 2006,  
5 to the department of health, mental health division, for  
6 enhancements of mental health clinical services within each  
7 county of the state and within each region as designated by  
8 the department of health, mental health division. The  
9 distribution of funds under this subsection shall be fair  
10 and equitable and based on the expected level of service  
11 within each region or county. Outcomes of services shall  
12 be monitored and funds shall be redistributed periodically  
13 to providers, based on measured performance.

14

15           (c) There is appropriated one million three hundred  
16 forty-four thousand dollars (\$1,344,000.00), or as much  
17 thereof as is necessary, from the general fund for the  
18 biennium beginning July 1, 2006, to the department of  
19 health, mental health division, to contract for emergency  
20 clinical services to establish uniformity in local  
21 emergency mental health clinical response services.  
22 Provider contracts shall include requirements that  
23 emergency responses will take not longer than:

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1           (i) Fifteen (15) minutes for a telephone  
2 response by an appropriate licensed professional;

3

4           (ii) One (1) hour on-site response time by an  
5 appropriate licensed professional within a community; and,

6

7           (iii) Two (2) hours on-site response time by an  
8 appropriate licensed professional within a county.

9

10           **Section 4. Medicaid waiver.**

11

12           (a) The department of health shall apply for a mental  
13 health waiver from the federal centers for Medicare and  
14 Medicaid services (CMS) to allow the provision of services  
15 under the mental health waiver to children who are in need  
16 of mental health services under the Wyoming Medical  
17 Assistance and Services Act, in such a manner that will not  
18 require the child's family to relinquish legal custody of  
19 the child. Children eligible under the waiver shall be  
20 required to:

21

22           (i) Undergo an evaluation to determine a  
23 diagnosis and level of care;

24



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

4  
5           (iii) Meet at least one (1) Medicaid criterion  
6 for inpatient psychiatric hospitalization;

7  
8           (iv) Receive a recommendation from a licensed  
9 mental health professional that the child can safely be  
10 served in his home, school and community; and

11  
12           (v) Meet Medicaid financial eligibility  
13 requirements based on the child's own resources, without  
14 regard to the resources of other members of the child's  
15 family unit.

16  
17           (b) Up to two hundred fifty (250) children may be  
18 served under the mental health waiver, if approved by CMS,  
19 on a first-come, first-served basis. The department shall  
20 screen children for eligibility prior to placing the child  
21 on a waiting list for services under the mental health  
22 waiver. The waiting list and the status of each child on  
23 the waiting list with respect to eligibility and the need

1 for services shall be reviewed at least quarterly by the  
2 department.

3

4 (c) For purposes of this section and contingent upon  
5 approval of the waiver by CMS, there is appropriated for  
6 the biennium beginning July 1, 2006, to the department of  
7 health, mental health division, the following amounts to  
8 implement the purposes of the mental health waiver:

9

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

13

14 (ii) Four million eight hundred twelve thousand  
15 five hundred twenty dollars (\$4,812,520.00) from federal  
16 funds.

17

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

22

23 **Section 5. Bereavement counseling.**

24

1           (a) There is appropriated from the general fund to the  
2 department of health, mental health division, fifty  
3 thousand dollars (\$50,000.00), which the division may  
4 distribute, upon application from qualified private, not-  
5 for-profit agencies providing mental health service under  
6 contract with the division, for bereavement counseling  
7 services to surviving family members of deceased emergency  
8 responders who died while in the performance of their  
9 official duties responding to a civil or military  
10 emergency, or natural or human caused disaster. As used in  
11 this section, "emergency responders" includes any Wyoming:

12

13           (i) Peace officer who has qualified pursuant to  
14 W.S. 9-1-701 through 9-1-709;

15

16           (ii) Firefighter, working for a paid or  
17 volunteer fire department;

18

19           (iii) Emergency medical technicians, certified  
20 under W.S. 33-36-110 and working for a private or volunteer  
21 ambulance service, but not including employees of  
22 industrial ambulance services except when responding to  
23 assist in an emergency or disaster specified in this  
24 subsection.

1

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

5

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

15

16 **Section 6. Regional pilot projects.**

17

18 (a) The department of health may enter into not more  
19 than two (2) separate contracts for pilot projects within  
20 the state to enhance acute psychiatric services within  
21 regions it shall designate. The department of health, in  
22 consultation with the mental health division and the  
23 substance abuse division, shall designate the regions of  
24 the state. The contracts shall be entered into after

1 competitive bidding. The contracts shall include  
2 assurances that:

3

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

12

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

15

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

19

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

23

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 hospitals under W.S. 25-10-104;

6

7           (ii) Ensures that it shall pay the costs of  
8 transportation to the contracted acute psychiatric care  
9 facilities; and

10

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

16

17           (c) There is appropriated two million eight hundred  
18 three thousand one hundred dollars (\$2,803,100.00), or as  
19 much thereof as is necessary, from the general fund to the  
20 department of health, mental health division, for the  
21 biennium beginning July 1, 2006, to implement the purposes  
22 of this section.

23

1           (d) The department may commence the solicitation of  
2 potential contractors under this section through requests  
3 for proposals immediately.

4  
5           (e) Subsection (d) of this subsection 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 7. Involuntary commitment transportation.**

11

12           (a) There is appropriated two hundred thirty thousand  
13 four hundred ninety-six dollars (\$230,496.00), or as much  
14 thereof as is necessary, from the general fund to the  
15 Wyoming state hospital, for the biennium beginning July 1,  
16 2006. The appropriation under this subsection shall be used  
17 only to pay the costs associated with transporting persons  
18 involuntarily committed under W.S. 25-10-110 to the Wyoming  
19 state hospital and back to the person's community or  
20 another location within the state at the person's request  
21 that is consistent with the patient's discharge plan, upon  
22 release from the state hospital, or to pay the costs of air  
23 transportation of such involuntarily committed persons and

1 necessary staff, upon circumstances deemed appropriate by  
2 the administrator of the state hospital.

3

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

7

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

9

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

21

22 **Section 9. Mental health statewide system**  
23 **improvements.**

24



1           (a) There is appropriated four million four hundred  
2 thirteen thousand dollars (\$4,413,000.00), or as much  
3 thereof as is necessary, from the general fund to the  
4 department of health, mental health division, for the  
5 biennium beginning July 1, 2006, to implement statewide  
6 mental health system improvements. The appropriation under  
7 this section shall only be expended by the department as  
8 follows:

9  
10           (i) Not more than two million six hundred eighty-  
11 eight thousand dollars (\$2,688,000.00) shall be for  
12 contracts between the mental health division and community  
13 mental health centers, exclusively to enhance the  
14 availability of psychiatric services within the respective  
15 regions designated by the division, that are provided by  
16 psychiatrists, advanced practice registered nurses with  
17 specialties in psychiatric care and physician assistants  
18 who are supervised by psychiatrists;

19  
20           (ii) Not more than four hundred twenty thousand  
21 dollars (\$420,000.00) for recruitment of psychiatrists,  
22 advanced nurse practitioners with specialties in  
23 psychiatric care and physician assistants who are  
24 supervised by psychiatrists;

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

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

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

(i) Seven hundred eighty-four thousand dollars (\$784,000.00) shall be for salaries and benefits for seven (7) full-time equivalent employees who shall be employees of the mental health division and who shall work jointly with the substance abuse division for purposes of data research, analysis, performance measurement and quality

1 improvement of services provided by community mental health  
2 or substance abuse centers under contract with the  
3 department;

4

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

8

9 (iii) Twenty thousand one hundred dollars  
10 (\$20,100.00) shall be for purchase of computer equipment;  
11 and

12

13 (iv) Eight thousand four hundred dollars  
14 (\$8,400.00) shall be for telecommunications expenses.

15

16 (b) The department of health, mental health division,  
17 is authorized seven (7) additional full-time equivalent  
18 positions for the biennium beginning July 1, 2006, for  
19 purposes of this section.

20

21 (c) The department of health, mental health division,  
22 shall expend the appropriation under this section to  
23 establish a statewide quality improvement program which  
24 will systematically monitor the effectiveness, efficiency,

1 appropriateness and quality of mental health care and  
2 services. The department of health, mental health  
3 division, shall negotiate with service providers specific  
4 system performance measures and client outcome measures  
5 utilized on the statewide quality improvement program, to  
6 include, but not be limited to, access to and quality of  
7 core and regional services, changes in employment and  
8 residential status of clients, and cost effectiveness of  
9 services. Quality improvement reports shall be provided to  
10 the joint appropriations interim committee and the joint  
11 labor, health and social services interim committee no  
12 later than October 1 of each year, beginning October 1,  
13 2007.

14

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

16

17 (a) There is appropriated six million two hundred ten  
18 thousand six hundred twenty-four dollars (\$6,210,624.00),  
19 or as much thereof as is necessary, from the general fund  
20 to the department of health, mental health division, for  
21 the biennium beginning July 1, 2006, to develop or enhance  
22 mental health crisis stabilization at each of the regions  
23 designated by the department. The funds under this section

1 shall be distributed under contracts competitively bid  
2 within each of the regions designated by the department.

3

4 **Section 12. Substance abuse funding.**

5

6 (a) There is appropriated thirty-four million five  
7 hundred three thousand three hundred ninety-five dollars  
8 (\$34,503,395.00), or as much thereof as is necessary, from  
9 the general fund to the department of health, substance  
10 abuse division, for the biennium beginning July 1, 2006, to  
11 continue, restructure and build the following programs with  
12 the funds specified:

13

14 (i) Not more than eight million dollars  
15 (\$8,000,000.00) to continue the methamphetamine initiative  
16 authorized under 2005 House Bill 308;

17

18 (ii) Not more than twenty-one million one hundred  
19 sixty-six thousand one hundred seventy-three dollars  
20 (\$21,166,173.00) to expand residential and outpatient  
21 services and increase all reimbursable unit-of-service  
22 rates by approximately fifteen percent (15%) and to  
23 continue residential substance abuse services for children,

1 adolescents and women previously funded with Temporary  
2 Assistance to Needy Families Act (TANF) bonus monies;

3

4 (iii) Not more than eight hundred seventy-seven  
5 thousand two hundred twenty-two dollars (\$877,222.00) to  
6 develop and enhance substance abuse treatment services data  
7 collection;

8

9 (iv) Not more than four million four hundred  
10 sixty thousand dollars (\$4,460,000.00) to develop and  
11 enhance social detoxification services, medications and  
12 other medical needs related to detoxification services.

13

14 (b) There is appropriated seven million five hundred  
15 eighty-three thousand three hundred thirty dollars  
16 (\$7,583,330.00), or as much thereof as is necessary, from  
17 the tobacco settlement income account to the department of  
18 health, substance abuse division, for the biennium  
19 beginning July 1, 2006, to continue, restructure and build  
20 programs as follows:

21

22 (i) Not more than three million five hundred  
23 sixty-two thousand six hundred forty dollars  
24 (\$3,562,640.00) to continue and support the Wyoming quit

1 tobacco program for the prevention and cessation of tobacco  
2 use;

3

4 (ii) Not more than four million twenty thousand  
5 six hundred ninety dollars (\$4,020,690.00) to continue and  
6 support system enhancements for the drug court program.

7

8 **Section 13. Psychiatric residency rotations planning.**

9

10 (a) Not later than October 1, 2006, the University of  
11 Wyoming shall submit a plan to the select committee on  
12 mental health and substance abuse services under which  
13 residents being trained in psychiatric residencies operated  
14 in other states will perform a psychiatric rotation within  
15 the state of Wyoming. The purpose of the plan and budget  
16 will be to provide exposure for psychiatrists in training  
17 to the opportunities for practice within Wyoming and also  
18 to enhance the availability of mental health services  
19 within the state. In developing the plan and the budget,  
20 the University shall consult with providers of mental  
21 health services in Wyoming and the Wyoming department of  
22 health. The plan and proposed budget shall recommend a  
23 structure for placement of the program within Wyoming state  
24 government.

1

2 (b) There is appropriated forty-five thousand dollars  
3 (\$45,000.00) from the general fund to the University of  
4 Wyoming for professional services, travel and other  
5 expenses associated with the development of the plan  
6 required under this section.

7

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

12

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

15

16 (a) There is appropriated from the general fund to  
17 the legislative service office seventy-five thousand dollars  
18 (\$75,000.00) to be used for the select committee on mental  
19 health and substance abuse services created by 2005 Wyoming  
20 Session Laws, Chapter 195, to continue the study of issues  
21 and propose legislation to provide more cost effective and  
22 accessible delivery of mental health and substance abuse  
23 services as provided in 2005 Wyoming Session Laws, Chapter  
24 195.



1

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

7

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

12

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

15

16

(END)

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