

ENROLLED ACT NO. 21, HOUSE OF REPRESENTATIVES

FIFTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2006 BUDGET SESSION

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

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

Section 1. Wyoming state hospital facilities study.

(a) There is appropriated one hundred seventy-three thousand six hundred eighty dollars (\$173,680.00), or as much thereof as is necessary, from the budget reserve account to the department of administration and information. Notwithstanding W.S. 9-4-207, funds appropriated under this section shall not lapse or revert to the general fund at the end of the biennium ending June 30, 2006. This appropriation shall be one-time funding and shall not be contained in the department's 2009-2010 standard budget request.

(b) The state building commission shall use the funds appropriated under this section to enter into competitive bid contracts with one (1) or more entities to conduct a building assessment of the physical infrastructure at the Wyoming state hospital to determine the extent to which buildings and other structures at the Wyoming state hospital may need to be remodeled, repaired or replaced. The state building commission shall report to the joint appropriations interim committee, the joint labor, health and social services interim committee and the select committee on mental health and substance abuse services no later than September 1, 2007, with a description of the

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current physical facilities at the Wyoming state hospital, the extent to which structures need to be remodeled or replaced to meet life safety codes and any other standards applicable to facilities for the treatment and housing of mentally ill persons, and the projected costs for such proposals.

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

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

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

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

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

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

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

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

Section 2. Advocacy liaison position at Wyoming state hospital.

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

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

(c) The attorney general shall, in consultation with the federally funded agency specified in subsection (a) of

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this section, establish criteria to provide the liaison with maximum access to patients and facilities at the state hospital, consistent with state and federal privacy and treatment standards.

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

Section 3. Community services enhancements.

(a) There is appropriated three million one hundred ninety-five thousand one hundred dollars (\$3,195,100.00), or as much thereof as is necessary, from the general fund for the biennium beginning July 1, 2006, to the department of health, mental health division, to reimburse community based mental health and substance abuse centers with whom the division has contracts, for community services enhancements. Except as otherwise provided in this subsection, the funds appropriated under this subsection shall be used by the community mental health and substance abuse centers to enhance supported independent living, including emergency subsistence, prescription medication, other health and medical supports, housing, transportation, development of socialization skills, respite care and other appropriate services, as determined by the department of health. Ten percent (10%) of the funds appropriated under this subsection shall be expended by the department of health, mental health division, for at-will contract employees to develop and implement outcome measurements in

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contracts with community based mental health and substance abuse centers.

(b) There is appropriated three million six hundred seventy thousand six hundred ninety-seven dollars (\$3,670,697.00), or as much thereof as is necessary, from the general fund for the biennium beginning July 1, 2006, to the department of health, mental health division, for enhancements of mental health clinical services within each county of the state and within each region as designated by the department of health, mental health division. The distribution of funds under this subsection shall be fair and equitable and based on the expected level of service within each region or county. Outcomes of services shall be monitored and funds shall be redistributed periodically to providers, based on measured performance. Ten percent (10%) of the funds appropriated under this subsection shall be expended by the department of health, mental health division, for at-will contract employees to develop and implement outcome measurements in contracts with the community based mental health and substance abuse centers.

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

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

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

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

(d) The department of health, mental health division, is authorized five (5) at-will contract employees for the biennium beginning July 1, 2006, to develop outcome measurements in contracts with community based mental health and substance abuse centers under subsections (a) and (b) of this section.

Section 4. Medicaid waiver.

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

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

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

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

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

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

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

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

(i) Two million one hundred ninety-three thousand seven hundred forty dollars (\$2,193,740.00) from the general fund;

(ii) Two million four hundred six thousand two hundred sixty dollars (\$2,406,260.00) from federal funds.

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

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Section 5. Bereavement counseling.

(a) There is appropriated from the general fund to the department of health, mental health division, twenty-five thousand dollars (\$25,000.00), which the division may distribute, upon application from qualified private, not-for-profit agencies providing mental health service under contract with the division, for bereavement counseling services to surviving family members of deceased emergency responders who died while in the performance of their official duties responding to a civil or military emergency, or natural or human caused disaster. As used in this section, "emergency responders" includes any Wyoming:

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

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

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

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

(c) Notwithstanding W.S. 9-4-207, funds appropriated under this section shall not lapse or revert to the general fund at the end of the biennium and shall remain in a bereavement account established by the department of health

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until disbursed by the department for the purposes specified in this section. Any interest earned on the funds in the account shall remain in the account until disbursed by the department for the purposes specified in this section. This appropriation shall be one-time funding and shall not be contained in the department's 2009-2010 standard budget request.

Section 6. Regional pilot project.

(a) The department of health may enter into not more than one (1) contract for a pilot project within the state to enhance acute psychiatric services within a region it shall designate. The department of health, in consultation with the mental health division and the substance abuse division, shall designate a region of the state. The contract shall be entered into with a provider from not more than one (1) region that the department determines contains under-served areas that may benefit from services provided by the pilot project after competitive bidding. The contract shall include assurances that:

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

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

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

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

(b) The contract under this section shall not be entered into unless and until the department:

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

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

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

(c) There is appropriated one million four hundred three thousand one hundred dollars (\$1,403,100.00), 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 implement the purposes of this section. Funds appropriated under this section shall be one-time funding and shall not be contained in the department's 2009-2010 standard budget request and shall only be expended to implement the one (1) pilot project authorized by this section. Any unexpended funds at the end of the biennium shall revert to the general fund as provided by W.S. 9-4-207(a).

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

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

Section 7. Involuntary commitment transportation.

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

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

Section 8. Mental health consumer services.

There is appropriated five hundred thousand dollars (\$500,000.00) from the general fund to the department of

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health, mental health division, for the biennium beginning July 1, 2006, to contract with providers of consumer information and referral services within the state. The funds shall be used only for information, referral, outreach and education services for consumers of mental health services and their families. Funds appropriated under this section shall not be used for lobbying purposes before the legislature or the United States Congress.

Section 9. Mental health statewide system improvements.

(a) There is appropriated one million nine hundred sixty thousand dollars (\$1,960,000.00), 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 implement statewide mental health system improvements. The appropriation under this section shall only be expended by the department as follows:

(i) Not more than one million seven hundred fifty thousand dollars (\$1,750,000.00) shall be for contracts between the mental health division and community mental health centers, exclusively to enhance the availability of psychiatric services within the respective regions designated by the division, that are provided by psychiatrists, advanced practice registered nurses with specialties in psychiatric care and physician assistants who are supervised by psychiatrists;

(ii) Not more than two hundred ten thousand dollars (\$210,000.00) for recruitment of psychiatrists, advanced nurse practitioners with specialties in psychiatric care and physician assistants who are supervised by psychiatrists.

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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 improvement of services provided by community mental health or substance abuse centers under contract with the department to address statewide planning efforts to improve mental health and reduce its attendant social problems;

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

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

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

(b) The department of health, mental health division, is authorized seven (7) additional full-time equivalent

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

(c) The department of health, mental health division, shall expend the appropriation under this section to establish a statewide quality improvement program which will systematically monitor the effectiveness, efficiency, appropriateness and quality of mental health care and services. The department of health, mental health division, shall negotiate with service providers specific system performance measures and client outcome measures utilized on the statewide quality improvement program, to include, but not be limited to, access to and quality of core and regional services, changes in employment and residential status of clients, and cost effectiveness of services. The department of health, mental health division shall structure its contracts with community mental health centers with whom it has contracts to ensure necessary client data is reported uniformly. The contracts shall specify what services will be provided under the contract and outcome measures achieved to determine the extent of statewide needs, based on regional reports received. Quality improvement reports shall be provided to the joint appropriations interim committee and the joint labor, health and social services interim committee no later than October 1 of each year, beginning October 1, 2007.

Section 11. Mental health crisis stabilization.

There is appropriated one million two hundred forty-two thousand one hundred seventy-five dollars (\$1,242,175.00), 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 or enhance mental health crisis stabilization in the region for which the department enters into a contract to implement the

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pilot project under section 6 of this act. The funds under this section shall be distributed under the contract competitively bid within the region designated by the department.

Section 12. Substance abuse funding.

(a) There is appropriated twelve million seven hundred thirty-six thousand four dollars (\$12,736,004.00), or as much thereof as is necessary, from the general fund to the department of health, substance abuse division, for the biennium beginning July 1, 2006, to continue, restructure and build the following programs with the funds specified:

(i) Not more than four million six hundred eighty-one thousand eighty-two dollars (\$4,681,082.00) to continue the prevention and treatment services and maintain the number of beds created by the methamphetamine initiative authorized under 2005 Wyoming Session Laws, Chapter 245;

(ii) Not more than six million nine hundred thirty-nine thousand nine hundred twenty-two dollars (\$6,939,922.00) to increase statewide all reimbursable unit-of-service rates by approximately fifteen percent (15%) and to continue residential substance abuse services for children, adolescents and women previously funded with Temporary Assistance to Needy Families Act (TANF) bonus monies;

(iii) Not more than one million one hundred fifteen thousand dollars (\$1,115,000.00) to create twelve (12) beds statewide to provide social detoxification services, medications and other medical needs related to detoxification services.

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(b) There is appropriated four million seven hundred sixty-two thousand six hundred forty dollars (\$4,762,640.00), or as much thereof as is necessary, from the general fund to the department of health, substance abuse division, for the biennium beginning July 1, 2006, to continue, restructure and build programs as follows:

(i) Not more than three million five hundred sixty-two thousand six hundred forty dollars (\$3,562,640.00) to continue and support the Wyoming quit tobacco program for the prevention and cessation of tobacco use;

(ii) Not more than one million two hundred thousand dollars (\$1,200,000.00) to continue the drug court program.

(c) The director of the department of health shall designate a deputy director who shall:

(i) Serve as the lead for state-level planning and coordination among: the department of health, substance abuse division; the governor's advisory board on substance abuse and violent crime; and other state agencies and boards with involvement in substance abuse programs;

(ii) Be responsible for planning and coordination of cross-agency efforts to address substance abuse issues and shall make recommendations on any cross-agency funding decisions affecting such efforts;

(iii) Coordinate among agencies and boards to develop a single comprehensive plan to address substance abuse and its attendant social problems. The deputy director appointed under this section shall report to the joint appropriations interim committee and the select

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committee on mental health and substance abuse services no later than September 1, 2006, with respect to the development of the single state plan to address substance abuse.

(d) The substance abuse division shall structure its contracts with community substance abuse centers with whom it has contracts to ensure necessary client data is reported uniformly. The contracts shall specify what services will be provided under the contract and outcome measures achieved to allow the division to determine compliance with contract provisions, the services provided, the outcomes achieved and to determine the extent of statewide needs, based on regional reports received.

(e) The division shall implement an outcomes development and data infrastructure system for purposes of data research, analysis, performance measurement and quality improvement of services provided by community substance abuse centers under contract with the division to address statewide planning efforts to reduce substance abuse and its attendant social problems.

(f) Subsections (c) through (e) of this section are effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

Section 13. Psychiatric residency rotation.

(a) The University of Wyoming shall to the extent practicable enter into an agreement with the University of Washington medical school under which physician residents who are being trained in psychiatric residencies operated by the University of Washington will perform a psychiatric residency rotation within the state of Wyoming. In

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developing the agreement, the University of Wyoming shall consult with organizations or groups involved in planning for or providing graduate education in Wyoming. The agreement shall be consistent with the capacity of the psychiatric residency rotations and subject to legislative appropriation. Not later than November 15, 2006, the University of Wyoming shall report to the select committee on mental health and substance abuse services regarding the terms of the agreement with the University of Washington and the anticipated future of the program in terms of capacity and providing services to the public. If the University of Wyoming is unable to enter into an agreement with the University of Washington to establish psychiatric residency rotations, the University of Wyoming shall report to the select committee on the feasibility of contracting with psychiatric residencies in other states to offer psychiatric rotations in Wyoming.

(b) There is appropriated one hundred sixty-eight thousand eight hundred dollars (\$168,800.00) from the general fund to the medical education budget of the University of Wyoming for the biennium beginning July 1, 2006, to fund the Wyoming psychiatric residency rotation program. Any unexpended funds appropriated under this section shall revert to the general fund at the end of the biennium as provided in W.S. 9-4-207(a).

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

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

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

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

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

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

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the House.

Chief Clerk