

SENATE FILE NO. SF0067

Waiver stabilization trust account.

Sponsored by: Senator(s) Esquibel, F., Craft and Emerich
and Representative(s) Throne

A BILL

for

1 AN ACT relating to public welfare; creating the Medicaid
2 waiver stabilization trust account; providing statutorily
3 for an inviolate corpus; providing for an income account;
4 providing for Medicaid waiver program funding as specified;
5 providing an appropriation and a continuous appropriation;
6 and providing for an effective date.

7

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

9

10 **Section 1.** W.S. 42-9-101 through 42-9-104 are created
11 to read:

12

13

CHAPTER 9

14

MEDICAID WAIVER STABILIZATION TRUST ACCOUNT

15

1 **42-9-101. Definitions.**

2

3 (a) As used in this act:

4

5 (i) "Department" means the Wyoming department of
6 health;

7

8 (ii) "Income account" means the Medicaid waiver
9 stabilization trust income account established pursuant to
10 W.S. 42-9-102(c);

11

12 (iii) "Trust account" means the Medicaid waiver
13 stabilization trust account created by W.S. 42-9-102(a);

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15 (iv) "Waiver programs" means those Medicaid
16 programs providing home and community based services to
17 children with developmental disabilities, adults with
18 developmental disabilities and persons with acquired brain
19 injuries pursuant to a waiver agreement with the centers
20 for Medicaid and Medicare services of the United States
21 department of health and human services;

22

1 (v) "This act" means W.S. 42-9-101 through
2 42-9-104.

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4 **42-9-102. Medicaid waiver stabilization trust account**
5 **created; income account; funding.**

6

7 (a) The Medicaid waiver stabilization trust account
8 is created. The trust account shall consist of those funds
9 designated to the account by law.

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11 (b) The monies deposited into the trust account
12 established pursuant to this section are inviolate and
13 constitute a permanent and perpetual trust fund. The monies
14 shall be transmitted to the state treasurer for credit to
15 the trust fund and shall be invested by the state treasurer
16 in a manner to obtain the highest return possible
17 consistent with the preservation of the corpus.

18

19 (c) Any investment earnings from the corpus of the
20 trust fund shall be separately accounted for and annually
21 credited by the state treasurer not later than June 30 of
22 each year into a separate Medicaid waiver stabilization
23 trust fund income account, which is hereby created.

1

2 (d) Revenues deposited into the income account are
3 continuously appropriated to the department of health to be
4 expended only as provided in this chapter.

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6 (e) Any funds within the income account which are not
7 expended nor obligated shall be transferred to the corpus
8 of the trust fund biennially on July 1 of each even-
9 numbered year beginning on July 1, 2018.

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11 **42-9-103. Medicaid waiver stabilization trust**
12 **account; use of income account; rulemaking.**

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14 (a) Funds within the income account shall be used to
15 provide services to Medicaid recipients using the
16 developmental disability and acquired brain injury waiver
17 programs.

18

19 (b) The department is authorized to seek from the
20 federal centers for Medicaid and Medicare services an
21 expansion of the number of slots in the waiver programs for
22 persons with developmental disabilities or acquired brain
23 injuries as funding is available from the income account.

1

2 (c) Funds distributed under this section shall be
3 used to supplement, not supplant, existing general fund and
4 federal fund appropriations for the waiver programs unless
5 and until the department does not have a waiting list for
6 enrollment in the waiver programs.

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8 (d) The department shall promulgate rules and
9 regulations as necessary and appropriate to implement this
10 act.

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12 **42-9-104. Medicaid waiver stabilization trust**
13 **account; annual report.**

14

15 (a) On or before October 1, 2016 and annually
16 thereafter, the department shall provide a report to the
17 joint appropriations interim committee and the joint labor,
18 health and social services interim committee specifying:

19

20 (i) The total amount of interest income earned
21 from the Medicaid waiver stabilization trust account during
22 the preceding state fiscal year;

23

1 (ii) The total amount of funding provided to the
2 developmental disability and acquired brain injury waiver
3 programs from the Medicaid waiver stabilization trust
4 income account;

5
6 (iii) The status of the waiver program waiting
7 lists.

8
9 **Section 2.** There is appropriated three hundred
10 million dollars (\$300,000,000.00) from the legislative
11 stabilization reserve account to the Medicaid waiver
12 stabilization trust account. This appropriation shall only
13 be expended for the purpose of funding the corpus of the
14 Medicaid waiver stabilization trust account established by
15 W.S. 42-9-102, as created by this act. Notwithstanding any
16 other provision of law, this appropriation shall not be
17 transferred or expended for any other purpose. This
18 appropriation shall not be included in any subsequent
19 standard biennial budget request. Notwithstanding W.S.
20 9-4-207, this appropriation shall not revert but shall
21 remain in the Medicaid waiver stabilization trust account
22 to implement the purposes of this act.

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