

SENATE FILE NO. SF0031

Veterans' skilled nursing center.

Sponsored by: Joint Transportation, Highways & Military  
Affairs Interim Committee

A BILL

for

1 AN ACT relating to veterans; providing for a skilled  
2 nursing center for veterans and their spouses; authorizing  
3 study, planning, design, construction and operations;  
4 specifying that nonveterans may be admitted to the center;  
5 designating administration and operation requirements;  
6 authorizing a position under specified conditions;  
7 authorizing a loan; providing for repayment of the loan;  
8 allowing acceptance of donations and monies; establishing  
9 an account; providing for rulemaking; providing conforming  
10 amendments; requiring reporting; and providing for an  
11 effective date.

12

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

14

15 **Section 1.** W.S. 25-14-101 through 25-14-107 are  
16 created to read:

1

2

CHAPTER 14

3

WYOMING VETERANS' SKILLED NURSING CENTER

4

5

**25-14-101. Purpose; admission of veterans and**

6

**veterans' spouses; capacity.**

7

8

(a) The veterans' skilled nursing center is created

9

for the community living, care and treatment of individuals

10

who due to wounds, disease, old age or other infirmities

11

need skilled nursing care as determined by department of

12

health rules and who are:

13

14

(i) Honorably discharged veterans of the armed

15

forces of the United States; or

16

17

(ii) Members of the state national guard

18

disabled while on duty.

19

20

(b) The department of health may admit a spouse of a

21

person who qualifies under subsection (a) of this section,

22

pursuant to rules the department promulgates in accordance

23

with W.S. 9-2-106(d) and 25-14-107.

1

2 (c) In addition to subsections (a) and (b) of this  
3 section, the veterans' skilled nursing center shall comply  
4 with United States department of veterans affairs rules for  
5 capacity guidelines for number of beds and populations  
6 served.

7

8 **25-14-102. Admission of "gold star" nonveterans.**

9

10 (a) The department of health may admit persons to the  
11 veterans' skilled nursing center who are not veterans or  
12 spouses of veterans under W.S. 25-14-101 for care and  
13 treatment if:

14

15 (i) The persons are qualifying dependents or the  
16 parents of United States military personnel who died while  
17 in service or who died as a result of their service as  
18 provided by statute, rule or regulation of the United  
19 States department of veterans affairs; and

20

21 (ii) The persons are admitted pursuant to rules  
22 and regulations promulgated in accordance with W.S.  
23 9-2-106(d) and 25-14-107.

1

2 (b) In all cases veterans and spouses of veterans  
3 shall be given preference of admission.

4

5 **25-14-103. Services for residents; administration.**

6

7 (a) The department of health shall, by contract or  
8 otherwise:

9

10 (i) Provide skilled nursing care in the  
11 veterans' skilled nursing center for residents in  
12 accordance with the federal Social Security Act and the  
13 federal medicare and medicaid regulations;

14

15 (ii) Upon construction completion, appoint one  
16 (1) department of health employee to oversee federal and  
17 state requirements applicable to the veterans' skilled  
18 nursing center;

19

20 (iii) Provide other care as required under  
21 authority of the director of the department of health  
22 pursuant to W.S. 9-2-106(d).

23

1           (b) The department of health may contract with an  
2 organization to provide day-to-day operations and  
3 administrative management of the veterans' skilled nursing  
4 center. The contract may provide for a monthly management  
5 fee as the department of health determines. The contract  
6 for operations and administrative management may be in  
7 accordance with the best practices of a "green house" look  
8 alike community living concept and in compliance with state  
9 and federal regulations.

10

11           (c) Any contract awarded under this section shall be  
12 awarded based on competitive bids with consideration given  
13 to private nonprofit organizations operating in Wyoming at  
14 the time of the bid. Selection shall be based on costs,  
15 background and relevant experience, expected performance  
16 and other criteria as determined by the department of  
17 health.

18

19           (d) The state construction department shall, by  
20 contract or otherwise provide for the major maintenance of  
21 the veterans' skilled nursing center. The department of  
22 health shall advise the state construction department of

1 any extraordinary need or requirement for the maintenance  
2 of the veterans' skilled nursing center.

3

4 **25-14-104. Payments for care.**

5

6 Residents shall pay for services provided under this  
7 chapter according to department of health rules. Payments  
8 shall be set at amounts to ensure that appropriate services  
9 are provided at the veterans' skilled nursing center, as  
10 required by this chapter, and shall be consistent with  
11 requirements for grant in aid payment of United States  
12 department of veterans affairs per diem payments.

13

14 **25-14-105. Acceptance of donations.**

15

16 The department of health, veterans' commission or state  
17 construction department may accept on behalf of the state  
18 donations of lands, money or other property for the  
19 construction, maintenance or other benefit of the veterans'  
20 skilled nursing center.

21

22 **25-14-106. Disposition, receipt and expenditure of**  
23 **monies received.**

1

2 (a) The department of health and the veterans'  
3 commission may accept state, federal, local and  
4 nongovernmental funds for the purposes of this chapter  
5 provided any condition on receipt of the funds is not  
6 inconsistent with this chapter.

7

8 (b) There is created the veterans' skilled nursing  
9 special revenue account. Notwithstanding W.S. 9-4-303(a),  
10 the department of health, veterans' commission and state  
11 construction department shall deposit all monies and income  
12 received and collected by or for the Wyoming veterans'  
13 skilled nursing center into the account. Monies from this  
14 account may be used to pay the costs of design and  
15 planning, construction, operation and maintenance of the  
16 veterans' skilled nursing center. If the veterans' skilled  
17 nursing center is sold, all proceeds after meeting any  
18 federal obligations shall be deposited in the legislative  
19 stabilization reserve account.

20

21 **25-14-107. Rules and regulations.**

22

1 The department of health shall promulgate rules necessary  
2 to carry out the provisions of this chapter. The rules  
3 shall provide admission requirements that do not jeopardize  
4 the veterans' skilled nursing center's or any veteran's  
5 qualifications to receive federal financial aid during  
6 admission to the veterans' skilled nursing center.

7

8 **Section 2.** W.S. 9-2-106(d), 23-2-207(a)(ii) and  
9 25-1-201(a) by creating a new paragraph (xv) are amended to  
10 read:

11

12 **9-2-106. Duties and powers of director of department.**

13

14 (d) The director may authorize the Wyoming life  
15 resource center, the Wyoming state hospital, the Wyoming  
16 pioneer home, the veterans' home of Wyoming, ~~and~~ the  
17 Wyoming retirement center and the Wyoming veterans' skilled  
18 nursing center to provide services to persons with  
19 conditions other than those specified in the provisions  
20 governing those state institutions in title 25 of the  
21 Wyoming statutes when the director determines that there is  
22 a need for such services, that the services can be provided  
23 effectively by the institution, that the services shall be



1 delivered in a manner that assures the safety of all  
2 individuals served by the institution and the services  
3 provided are statutorily authorized for any of these  
4 institutions, the service needs are similar to those  
5 authorized for any of these institutions or the services  
6 are necessary to protect the public health and safety. The  
7 director shall promulgate rules and regulations and  
8 policies and procedures necessary to implement this  
9 subsection. Nothing in this subsection shall be construed  
10 to authorize the director to eliminate services that are  
11 otherwise required by statute.

12

13 **23-2-207. Special limited fishing permit for**  
14 **hospitalized veterans, residents of state institutions,**  
15 **court placed children and residents of licensed nursing**  
16 **care facilities; students.**

17

18 (a) Upon an appropriate form furnished by the  
19 appropriate institution or facility as prescribed by rule  
20 and regulation of the commission, a special limited fishing  
21 permit may be issued without charge by:

22

1           (ii) The department of health or the department  
2 of family services to any resident in the veterans' home of  
3 Wyoming, Wyoming veterans' skilled nursing center, Wyoming  
4 state hospital, Wyoming life resource center, Wyoming boys'  
5 school and the Wyoming girls' school, which entitles the  
6 institutionalized resident to fish while under the direct  
7 supervision of the appropriate institution;

8  
9           **25-1-201. Establishment of state institutions.**

10  
11           (a) The following state institutions are established:

12  
13                   (xv) The Wyoming veterans' skilled nursing  
14 center.

15  
16           **Section 3.** From its currently authorized positions  
17 the department of health shall designate one (1) full-time  
18 position to oversee for the veterans' commission the  
19 planning, design and construction of the veterans' skilled  
20 nursing center, to coordinate with all local, state and  
21 federal entities involved, and to create, apply for and  
22 manage all documentation required for all relevant grants  
23 including any grant from the United States department of

1 veterans affairs, and shall be assisted by the veterans'  
2 commission. This designation shall continue until such time  
3 as the construction of the skilled nursing center is  
4 complete and the final grant close out with the United  
5 States department of veterans affairs is submitted,  
6 whichever occurs later. At that time, the department of  
7 health is authorized a position, if requested and necessary  
8 due to location or provisions of federal law, for the  
9 management of the veterans' skilled nursing center.

10

11 **Section 4.**

12

13 (a) The veterans' skilled nursing center project  
14 shall be designed and constructed according to a "green  
15 house" look alike concept for alternative elder care and  
16 according to procedures of the state building commission  
17 under W.S. 9-5-108. The veterans' commission and department  
18 of health, through the state building commission, are  
19 authorized to conduct all activities necessary to design,  
20 plan, fund and contract for a veterans' skilled nursing  
21 center, pursuant to level I, II and III planning and design  
22 as authorized in this section.

23

1           (b) The state building commission shall conduct  
2 limited level I/II and III planning and design for a  
3 veterans' skilled nursing center, which process shall be  
4 accelerated by using information from existing studies,  
5 reports and plans identified in subsection (e) of this  
6 section and obtaining any necessary additional information  
7 as it determines necessary. The state building commission  
8 shall use the services of the veterans' commission,  
9 department of health and state construction department, to  
10 the extent necessary to develop findings, strategies,  
11 recommendations and plans for the veterans' skilled nursing  
12 center including the center's:

13

14           (i) Mission;

15

16           (ii) Use and operations, including staffing  
17 requirements;

18

19           (iii) Populations served;

20

21           (iv) Services offered;

22

1           (v) Number of beds, consistent with United  
2 States department of veterans affairs requirements;

3

4           (vi) Capital construction requirements;

5

6           (vii) Site and location, specifically  
7 considering existing state owned and other facilities;

8

9           (viii) Design;

10

11           (ix) Costs and financing, including federal  
12 funding, public-private, public-political-subdivision  
13 partnerships and any funding that may be available to those  
14 entities; and

15

16           (x) Timeline for construction.

17

18           (c) The veterans' commission and department of health  
19 shall provide assistance to the state building commission  
20 and construction management division necessary to assure  
21 that the veterans' skilled nursing center is planned,  
22 designed and ultimately constructed and operated in a  
23 manner that considers impacts on available federal funding.

1 The state building commission, using services of the  
2 veterans' commission, department of health and state  
3 construction department, shall apply as necessary to obtain  
4 federal funding for the veterans' skilled nursing center.

5

6 (d) The state building commission and state  
7 construction department may enter into contracts and retain  
8 experts as necessary to complete the study, design,  
9 planning, funding and construction of the veterans' skilled  
10 nursing center as authorized by this section. The state  
11 building commission and the state construction department  
12 shall keep the veterans' commission and the department of  
13 health informed of all contracting activities. No contract  
14 authorized under this subsection shall be executed without  
15 the approval of the governor.

16

17 (e) The state building commission in consultation  
18 with the veterans' commission and the department of health  
19 shall develop limited level I/II and III planning and  
20 design authorized under this subsection maximizing the  
21 information of past studies, reports and materials  
22 including:

23

1           (i) Financial Model for Wyoming Veterans Skilled  
2 Nursing Center, Wyoming Military Department, dated October  
3 6, 2017 and the information accompanying the report;

4

5           (ii) Wyoming Veterans' State Home: Needs  
6 Analysis, Wyoming Department of Health, dated September 22,  
7 2017;

8

9           (iii) Facility Master Plan, Department of  
10 Health, pages 1 through 30 and 99 through 129, dated  
11 November 14, 2013;

12

13           (iv) Wyoming Department of Health: Veterans'  
14 Home of Wyoming, Management Audit Committee Evaluation,  
15 November 16, 2011;

16

17           (v) An Examination of the Long-term Care  
18 Infrastructure for Veterans in Wyoming, Veterans Long-term  
19 Care Study Group, 2005;

20

21           (vi) The following documents produced by and on  
22 file with the legislative service office:

23

1                   (A) October 12, 2011 Issue Brief, Issues  
2 for Implementation of Green House Living Cottages to  
3 Provide Long-Term Skilled Nursing Care for Veterans;

4

5                   (B) October 12, 2011 Research Memo, General  
6 State and Veteran Long-Term Care Demand;

7

8                   (C) October 12, 2011 Fact Sheet, Aging of  
9 Wyoming Citizens and Veterans;

10

11                   (D) April 25, 2017 Issue Brief, Joint  
12 Transportation, Highways and Military Affairs interim  
13 topic: Veterans' Skilled Nursing Home.

14

15                   (f) The state building commission in consultation  
16 with the veterans' commission and the department of health  
17 shall report on limited level I/II and III planning and  
18 design authorized under this section not later than August  
19 1, 2018 to the joint transportation, highways and military  
20 affairs interim committee and the joint appropriations  
21 committee.

22



1 (g) Not later than September 1 of each year until  
2 completion of construction, the veterans' commission and  
3 department of health shall recommend to the joint  
4 transportation, highways and military affairs interim  
5 committee any additional legislative action necessary to  
6 complete the project.

7

8 (h) Construction of the veterans' skilled nursing  
9 center project shall not begin until the United States  
10 department of veterans affairs approves construction plans,  
11 if required, and not until the state construction  
12 department, veterans' commission and department of health  
13 approve final plans for construction of the center.

14

15 **Section 5.**

16

17 (a) The state construction department through the  
18 veterans' commission and the department of health is  
19 authorized to borrow from the legislative stabilization  
20 reserve account up to five million dollars (\$5,000,000.00)  
21 or up to thirty-five percent (35%) of the actual  
22 development costs for a facility with the number of beds  
23 authorized by the United States department of veterans

1 affairs, whichever is less, for limited level I/II and III  
2 planning and design, permit procurement, project land  
3 procurement, construction engineering and ultimate  
4 construction and operations of a veterans' skilled nursing  
5 center. Amounts borrowed under this subsection shall be  
6 deposited in the veterans' skilled nursing special revenue  
7 account. The department of health shall repay amounts  
8 borrowed under this subsection from operations revenue  
9 deposited to the veterans' skilled nursing special revenue  
10 account. Repayment of the amounts borrowed under this  
11 subsection shall occur annually on June 30, after costs and  
12 maintenance for the center are paid until the total loan  
13 amount is amortized, which shall not be later than fifteen  
14 (15) years from the date of construction completion of the  
15 veterans' skilled nursing center or as required for receipt  
16 of federal funds, whichever is earlier. Interest charged on  
17 the amounts borrowed under this subsection shall be at a  
18 rate equal to the average interest earned on pooled  
19 investments of state funds in the four (4) calendar  
20 quarters preceding the quarter in which the loan occurred.

21

22 (b) The director of the state construction department  
23 shall report to the joint appropriations committee and the

1 joint transportation, highways and military affairs interim  
2 committee within thirty (30) days of exercise of the loan  
3 authority under subsection (a) of this section. On or  
4 before September 1 of each year, the state construction  
5 department through the veterans' commission and department  
6 of health shall report to the joint appropriations  
7 committee and joint transportation, highways and military  
8 affairs interim committee the total amounts repaid to the  
9 legislative stabilization reserve account.

10

11       **Section 6.** This act is effective immediately upon  
12 completion of all acts necessary for a bill to become law  
13 as provided by Article 4, Section 8 of the Wyoming  
14 Constitution.

15

16

(END)