

HOUSE BILL NO. HB0081

Hospital supplemental payments-statutory fix.

Sponsored by: Representative(s) Larsen, L and Zwonitzer, Dn
and Senator(s) Baldwin

A BILL

for

1 AN ACT relating to medical assistance and services;
2 amending the Wyoming private hospital assessment act to
3 include healthcare providers affiliated with a hospital and
4 psychiatric residential treatment facilities; increasing
5 permissible administrative fee amounts; increasing
6 assessment amounts; authorizing the department of health to
7 modify payment or qualification provisions as specified;
8 authorizing the department of health to negotiate with the
9 United States department of health and human services as
10 specified; making conforming amendments; providing
11 appropriations; authorizing additional positions; and
12 providing for an effective date.

13

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

15

1 **Section 1.** W.S. 42-9-102(a) by creating a new
2 paragraph (xi), 42-9-103(d)(i), 42-9-104(b)(iii),
3 42-9-106(a) and (c) and 42-9-108(a) are amended to read:

4
5 **42-9-102. Definitions.**

6
7 (a) As used in this chapter:

8
9 (xi) "Hospital services" means inpatient,
10 outpatient and other services provided by a private
11 hospital or by practitioners employed by, under contract
12 with or in affiliation with a hospital-affiliated
13 professional service provider group. Hospital services for
14 purposes of this act include services provided in a
15 psychiatric residential treatment facility owned, operated
16 by or affiliated with a private hospital.

17
18 **42-9-103. Private hospital assessment account.**

19
20 (d) The account shall be used exclusively for the
21 following purposes:

22

1 (i) To pay administrative expenses incurred by
2 the department or its agent in performing the activities
3 authorized by this chapter, provided that these expenses
4 shall not exceed a total of ~~one percent (1%)~~ three percent
5 (3%) of the aggregate assessment funds collected in the
6 fiscal year;

7

8 **42-9-104. Assessments.**

9

10 (b) The assessment due under this section shall be
11 imposed each fiscal year in an amount calculated as a
12 uniform percentage of each hospital's net patient revenue.
13 The assessment rate shall be determined by the department
14 on a prospective basis and shall be based on the percentage
15 of net hospital patient revenue needed to generate an
16 amount not to exceed the nonfederal portion of the upper
17 payment limit gap plus the fee authorized by W.S.
18 42-9-103(d)(i). In no event shall the assessment rate:

19

20 (iii) Increase by more than ~~one half of one~~
21 ~~percent (.5%)~~ one percent (1%) of a hospital's net patient
22 revenue for each fiscal year following the first fiscal

1 year in which the hospital is assessed without further
2 approval by the legislature.

3

4 **42-9-106. Quarterly adjustment payments.**

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6 (a) To preserve the quality and improve access to
7 private hospital services, ~~for private hospital inpatient~~
8 ~~and outpatient services rendered on or after July 1, 2016,~~
9 the department shall make quarterly adjustment payments as
10 set forth in this section.

11

12 (c) Quarterly adjustment payments shall not be used
13 to offset any other payment by medicaid for hospital
14 ~~inpatient or outpatient~~ services to medicaid beneficiaries,
15 including without limitation any fee-for-service, per diem,
16 private hospital inpatient adjustment or cost settlement
17 payment.

18

19 **42-9-108. Approval of state plan; rulemaking.**

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21 (a) The department shall seek necessary federal
22 approval in the form of state plan amendments in order to
23 continue to implement the provisions of this chapter. The

1 department shall be deemed to satisfy this requirement by
2 seeking approval for the operation of an upper payment
3 limit program that provides for quarterly adjustment
4 payments. While seeking federal approval under this
5 subsection, the department may modify payment or
6 qualification provisions as necessary to obtain the Centers
7 for Medicare and Medicaid Services approval if the changes
8 do not exceed the authority and purposes of this chapter.

9
10 **Section 2.** The director of the department, with the
11 consent of the governor, shall enter into negotiations with
12 the United States department of health and human services
13 regarding the expansion of the scope of hospital services
14 to include those services provided by practitioners
15 employed by, under contract with or in affiliation with a
16 hospital-affiliated professional service provider group and
17 services provided in a psychiatric treatment facility
18 owned, operated by or affiliated with a hospital. The
19 director, with the consent of the governor, is authorized
20 to execute any necessary and prudent state Medicaid plan
21 amendments to carry out this act. Affiliation with a
22 hospital shall be specified in the state Medicaid plan

1 amendment and shall include public or private hospitals as
2 authorized by federal law.

3

4 **Section 3.** There is appropriated three million eight
5 hundred fifty thousand dollars (\$3,850,000.00) from special
6 revenue from assessments collected under W.S. 42-9-104 and
7 three million eight hundred fifty thousand dollars
8 (\$3,850,000.00) from federal funds to the department of
9 health for purposes of allowing practitioners employed by,
10 under contract with or in affiliation with a
11 hospital-affiliated professional service provider group and
12 psychiatric residential treatment facilities to participate
13 in the assessments and benefits provided by the Private
14 Hospital Assessment Act under W.S. 42-9-101 through
15 42-9-109 for the period beginning July 1, 2023 and ending
16 June 30, 2024. This appropriation shall not be transferred
17 or expended for any other purpose and any unexpended,
18 unobligated funds remaining from this appropriation on June
19 30, 2024 shall revert as provided by law. It is the intent
20 of the legislature that an appropriation to fund the
21 hospital services authorized by this act be included in the
22 department of health's standard budget request for the
23 immediately succeeding fiscal biennium. The appropriations

1 provided by this section shall only be expended if the
2 state Medicaid plan amendment specified by this act is
3 approved and shall be expended solely for the purposes of
4 making provider payments or reimbursements under the
5 amended state Medicaid plan.

6
7 **Section 4.** The department of health is authorized one
8 (1) additional full-time position for the purposes of this
9 act. There is appropriated ninety-seven thousand six
10 hundred sixty dollars (\$97,660.00) from the general fund to
11 the department of health for purposes of this section. This
12 appropriation shall not be transferred or expended for any
13 other purpose and any unexpended, unobligated funds
14 remaining from this appropriation on June 30, 2024 shall
15 revert as provided by law. It is the intent of the
16 legislature that an appropriation to fund this position as
17 authorized by this section be included in the department of
18 health's standard budget request for the immediately
19 succeeding fiscal biennium.

20

21 **Section 5.** This act is effective July 1, 2023.

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23

(END)