

DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION

HOUSE BILL NO. [BILL NUMBER]

State health facility missions-statutory compliance.

Sponsored by: Joint Labor, Health & Social Services Interim
Committee

A BILL

for

1 AN ACT relating to institutions of the state; amending
2 qualifications to receive services from state health care
3 facilities; amending the mission of state healthcare
4 facilities; conforming statutes; specifying applicable
5 federal standards for rulemaking; updating obsolete
6 language; providing definitions; and providing for an
7 effective date.

8

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

10

11 **Section 1.** W.S. 14-6-219(b), (c) and (d),
12 25-5-102(b)(xiv), (xxii) and by creating new paragraphs

1 (xxx) through (xxxv), 25-5-103(a)(intro), (ii) and (iv),
2 25-5-105(a)(intro), 25-5-114(a), 25-5-115(a)(intro),
3 25-9-101(a)(intro) and 35-2-906 by creating a new
4 subsection (g) are amended to read:

5

6 **14-6-219. Physical and mental examinations;**
7 **involuntary commitment of incompetents; subsequent**
8 **proceedings.**

9

10 (b) If a child has been committed to a medical
11 facility or institution for mental examination prior to
12 adjudication of the petition and if it appears to the court
13 from the mental examination that the child is competent to
14 participate in further proceedings and is not suffering
15 from mental illness or intellectual disability to a degree
16 rendering the child subject to involuntary commitment to
17 the Wyoming state hospital ~~or the Wyoming life resource~~
18 ~~center~~, the court shall order the child returned to the
19 court without delay.

20

21 (c) If it appears to the court by mental examination
22 conducted before adjudication of the petition that a child
23 alleged to be delinquent is incompetent to participate in

1 further proceedings by reason of mental illness or
2 intellectual disability to a degree rendering the child
3 subject to involuntary commitment to the Wyoming state
4 hospital ~~or the Wyoming life resource center~~, the court
5 shall hold further proceedings under this act in abeyance.
6 The district attorney shall then commence proceedings in
7 the district court for commitment of the child to the
8 appropriate institution as provided by law.

9

10 (d) The juvenile court shall retain jurisdiction of
11 the child on the petition pending final determination of
12 the commitment proceedings in the district court. If
13 proceedings in the district court commit the child to the
14 Wyoming state hospital, ~~the Wyoming life resource center~~ or
15 any other facility or institution for treatment and care of
16 people with a mental illness ~~or an intellectual disability~~,
17 the petition shall be dismissed and further proceedings
18 under this act terminate. If proceedings in the district
19 court determine the child does not have a mental illness ~~or~~
20 ~~an intellectual disability~~ to a degree rendering him
21 subject to involuntary commitment, the court shall proceed
22 to a final adjudication of the petition and disposition of
23 the child under the provisions of this act.

1

2 **25-5-102. Definitions.**

3

4 (b) As used in this act:

5

6 (xiv) "Division" means the ~~developmental~~
7 ~~disabilities~~ behavioral health division of the department
8 of health;

9

10 (xxii) "Intermediate care facility for people
11 with intellectual disability" means an intermediate care
12 facility for ~~the mentally retarded or intermediate care~~
13 ~~facility for people with mental retardation (ICFMR or~~
14 ~~ICF/MR), as these phrases are~~ individuals with intellectual
15 disabilities (ICF/IID), as this phrase is used in
16 applicable federal statutes, rules and regulations;

17

18 (xxx) "Skilled nursing facility services" means
19 skilled nursing facility services as defined by applicable
20 federal statutes, rules and regulations;

21

1 (xxxii) "Domiciliary care" means the domiciliary
2 care program, as defined by applicable federal statutes,
3 rules and regulations;

4
5 (xxxiii) "Exceptionally difficult behaviors" means
6 a high level of assaultive or self-injurious behavior in a
7 person with an intellectual disability or an acquired brain
8 injury. These behaviors may include aggression and violent
9 behavior, wandering, sexually inappropriate behavior, self-
10 endangering behaviors or medicine non-compliance. The level
11 of behaviors shall be measured by a standardized assessment
12 and pursuant to criteria established by the department
13 under W.S. 25-5-105(a)(i);

14
15 (xxxiiii) "Geriatric psychiatric" means a person
16 who is:

17
18 (A) Over the age of sixty (60);

19
20 (B) Eligible for skilled nursing facility
21 services pursuant to the long term care assessment defined
22 in W.S. 42-6-102(a)(vii);

23

1 (C) Diagnosed with dementia or serious and
2 persistent mental illness; and

3

4 (D) Exhibiting assaultive or self-injurious
5 behaviors due to the person's mental illness, placing them
6 at risk of psychiatric hospitalization. These behaviors may
7 include aggression and violent behavior, wandering,
8 sexually inappropriate behavior, self-endangering behaviors
9 or medicine non-compliance.

10

11 (xxxiv) "High medical need" means a person who
12 is:

13 (A) Eligible for skilled nursing facility
14 services pursuant to the long term care assessment defined
15 in W.S. 42-6-102(a)(vii);

16

17 (B) Does not meet the criteria of W.S. 25-
18 5-102(b)(xxxii) or 25-5-102(b)(xxxiii); and

19

20 (C) Would qualify for the extraordinary
21 care nursing facility reimbursement rate, as defined by the
22 department.

23

1 (xxxv) "Hard to place" means a person who is:

2 (A) Eligible for skilled nursing facility
3 services pursuant to the long term care assessment defined
4 in W.S. 42-6-102(a)(vii);

5
6 (B) Does not meet the criteria of W.S. 25-5-
7 102(b)(xxxii) through 25-5-102(b)(xxxiv); and

8
9 (C) For whom no community skilled nursing
10 facility service provider has been identified in the state
11 within a time period defined by the department.

12
13 **25-5-103. Wyoming life resource center established;**
14 **purpose.**

15
16 (a) Except as otherwise authorized by rules and
17 regulations promulgated in accordance with W.S. 9-2-106(d),
18 the Wyoming life resource center is established to provide
19 the following residential, active treatment, ~~and assistive~~
20 technology, medical and therapy services only to
21 individuals with a disability as specified below:

22

1 (ii) Skilled nursing facility services to the
2 following:

3
4 (A) Persons with acquired brain injuries
5 who manifest exceptionally difficult behaviors;

6
7 (B) Persons with a geriatric psychiatric
8 condition;

9
10 (C) Persons with high medical need;

11
12 (D) Persons who are hard to place.

13
14 ~~(iii) Disability, therapeutic and assistive~~
15 ~~technology services for persons with a disability;~~

16
17 (iv) Training, technical assistance and
18 assistive technology services for state employees, other
19 service providers and caregivers on disability, medical,
20 developmental and therapy services;

21

22 **25-5-105. Rules and regulations; reports.**

23

1 (a) The department shall adopt rules and regulations
2 which are in compliance with both federal regulations for
3 intermediate care facilities for persons with intellectual
4 disability and federal regulations for skilled nursing
5 facilities, and which:

6

7 **25-5-114. Eligibility for admission; appropriateness**
8 **of services.**

9

10 (a) Except as otherwise authorized by rules and
11 regulations promulgated in accordance with W.S. 9-2-106(d),
12 a person shall ~~not~~ be admitted to the center only if he is
13 an individual qualifying for services under W.S. 25-5-
14 103(a) and his preadmission evaluation and screening does
15 not indicate that he would be more appropriately served by
16 the Wyoming state hospital, a community program or a public
17 school program.

18

19 **25-5-115. Preadmission screening for residential**
20 **services; preparation and supervision thereof; disposition**
21 **of findings.**

22

1 (a) Admission to the center shall be upon written
2 application to the division ~~pursuant to W.S. 25-5-117(b)~~
3 and shall be based upon the preadmission screening and
4 assessment:

5
6 ~~(iii) No person shall be admitted unless an~~
7 ~~interdisciplinary team has determined that the center~~
8 ~~offers the recommended and most appropriate services in a~~
9 ~~least restrictive and most integrated environment~~
10 ~~consistent with informed choice;~~

11

12 **25-9-101. Purpose; admission of veterans and**
13 **veterans' dependents.**

14

15 (a) Except as otherwise authorized by rules and
16 regulations promulgated in accordance with W.S. 9-2-106(d),
17 the veterans' home of Wyoming ~~is for the care and treatment~~
18 ~~of shall provide domiciliary level care and skilled nursing~~
19 facility level care to:

20

21 **35-2-906. Construction and expansion of facilities;**
22 **exemption.**

23

1 (b) Nursing care facility beds shall not be expanded
2 or constructed if the average of all the nursing care bed
3 occupancy, excluding veteran administration beds, in the
4 construction area is eighty-five percent (85%) or less
5 based upon the annual occupancy report prepared by the
6 division.

7
8 (c) Notwithstanding the other provisions of this
9 section any nursing care facility or hospital may, in any
10 two (2) year period, increase its bed capacity by ten
11 percent (10%) of the current nursing care facility bed
12 capacity or by not more than ten (10) beds.

13
14 (g) Beds constructed at the Wyoming life resource
15 center or Wyoming veterans' home shall be exempted from
16 this section.

17
18 **Section 2.** W.S. 25-5-103(a)(iii), 25-5-115(a)(iii)
19 and 25-5-119 through 25-5-122 are repealed.

20
21 **Section 3.** This act is effective July 1, 2016.

22

23

(END)