

SENATE FILE NO. SF0049

Department of health service providers.

Sponsored by: Select Committee on Developmental Programs

A BILL

for

1 AN ACT relating to the department of health; providing
2 authority for the department to certify and contract with
3 providers of home and community based waiver services;
4 providing authority to impose sanctions or civil penalties
5 on contract providers as specified; providing for
6 rulemaking; and providing for an effective date.

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

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10 **Section 1.** W.S. 42-4-120 is created to read:

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12 **42-4-120. Contracts for waiver services; authority of**
13 **department.**

14

15 (a) The department is authorized to enter into
16 contracts with providers of services under a federal home

1 and community based waiver and to enforce the provisions of
2 this section.

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4 (b) The department shall adopt and enforce reasonable
5 rules and regulations for the certification of home and
6 community based waiver services, and shall include minimum
7 certification standards for each category of service
8 provider.

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10 (c) Before entering into a contract with a provider
11 of services under this section, the department shall
12 ascertain that the provider is in compliance with
13 applicable regulations regarding health care providers
14 adopted pursuant to W.S. 35-2-908, with all applicable
15 professional licensing statutes and regulations and with
16 regulations adopted pursuant to subsection (b) of this
17 section

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19 (d) In addition to other remedies, in the event of a
20 chronic failure to provide services or services that fail
21 to meet the applicable standard of care for the profession
22 involved or a continuing condition creating serious
23 detriment to the health, safety or welfare of recipients of
24 home and community based waiver services, the department

1 may impose a civil penalty upon the provider. For each day
2 of continuing violation, the civil penalty shall not exceed
3 one thousand dollars (\$1,000.00) or one percent (1%) of the
4 amount paid to the provider during the previous twelve (12)
5 months, whichever is greater, and any administrative
6 penalty assessed under this section shall be paid over to
7 the state treasurer who shall remit the monies to the
8 county treasurer to the credit of the public school fund of
9 the county in which the violation occurred, except as
10 otherwise provided by federal law for Medicaid certified
11 nursing facilities.

12

13 (e) The department shall have the same authority to
14 place conditions upon a provider, to impose a monitor or to
15 revoke a certification issued under this section in the
16 manner described in W.S. 35-2-905.

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18 **Section 2.** This act is effective July 1, 2005.

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(END)