

HOUSE BILL NO. HB0244

Uncompensated trauma care.

Sponsored by: Representative(s) Cohee, Harshman,
Jorgensen, Lockhart, Lubnau and Millin and
Senator(s) Landen

A BILL

for

1 AN ACT relating to medical care; creating an uncompensated
2 trauma care account; increasing fuel taxes to fund the
3 account; providing a swap of mineral severance tax;
4 providing standards for distribution of funds to acute care
5 hospitals; requiring rulemaking; providing definitions;
6 providing for the automatic repeal of specified sections;
7 and providing for an effective date.

8

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

10

11 **Section 1.** W.S. 35-2-1001 through 35-2-1010 are
12 created to read:

13

14

ARTICLE 10

15

UNCOMPENSATED TRAUMA CARE ACCOUNT

16

1 **35-2-1001. Uncompensated trauma care account created;**
2 **standards; rules; definitions.**

3

4 (a) There is created an uncompensated trauma care
5 account within the department of health. Effective July 1,
6 2010, the department shall administer the funds in this
7 account to reimburse acute care hospitals for trauma care
8 provided at acute care hospitals as specified in this
9 section.

10

11 (b) Acute care hospitals shall be reimbursed on a per
12 incident basis, subject to the following:

13

14 (i) There is compliance with the reporting
15 requirements of the Wyoming trauma care program registry
16 before the request for reimbursement;

17

18 (ii) Reimbursement shall be available for the
19 costs incurred during the six (6) month period preceding
20 the period subject to paragraph (iii) of this subsection;

21

22 (iii) Requests for reimbursement may be
23 submitted to the department for payment only after one
24 hundred eighty (180) days have elapsed from the date the

1 bill for the services rendered was sent to the patient or
2 his representative.

3

4 (c) The department shall promulgate rules and
5 regulations to administer this reimbursement program on
6 behalf of the state of Wyoming. The rules and regulations
7 shall include provisions for:

8

9 (i) Ensuring that reimbursements do not exceed
10 the available funds;

11

12 (ii) Limiting reimbursement to the necessary
13 support of the poor;

14

15 (iii) Preventing duplication between this
16 program and private or public insurance programs;

17

18 (iv) Reimbursing hospitals for trauma service
19 costs and ambulance services for transporting patients to a
20 hospital or emergency room;

21

22 (v) Ensuring that the department shall total all
23 valid requests for reimbursement received and shall pay
24 each applicant a share of the applicant's submitted

1 requests in proportion to the total of the funds available,
2 not to exceed twenty-five percent (25%) of the available
3 funds for the relevant grant cycle.

4

5 (d) The department may contract with a fiscal agent
6 to make the actual payments and conduct any necessary
7 audits of reimbursement requests. Reimbursement requests
8 shall be made in a form and manner prescribed by the
9 department. The department or its agent on its behalf may
10 request any documentation it deems necessary to support any
11 request for reimbursement.

12

13 (e) The department shall not reimburse any one (1)
14 acute care hospital or ambulance service in a cumulative
15 amount greater than twenty-five percent (25%) of the
16 available funds in any calendar year.

17

18 (f) As used in this section:

19

20 (i) "Acute care hospital" means a hospital
21 licensed in Wyoming and which provides acute patient care;

22

23 (ii) "Ambulance service" means an ambulance
24 service licensed in Wyoming pursuant to W.S. 33-36-102

1 through 33-36-113 and which provides emergency medical
2 transportation to hospitals or emergency rooms;

3

4 (iii) "Incident" means an admission, both
5 inpatient and outpatient, involving traumatic care for an
6 individual patient who was injured as a result of a vehicle
7 crash within a one (1) year period to a single hospital.
8 Admissions of the same patient for causes not directly
9 related to an earlier admission shall be considered a
10 separate incident;

11

12 (iv) "Trauma care services" means services to
13 patients with at least one (1) injury diagnosis code, using
14 the International Classification of Diseases, 9th Edition,
15 from 800.0 through 904, 925 through 929, 940 through 959.9
16 and 994.7, plus at least one (1) of the following:

17

18 (A) Hospitalization for one (1) calendar
19 day;

20

21 (B) Admission to the intensive care unit or
22 monitored bed unit;

23

1 (C) Cardiac or respiratory arrest on route
2 to the hospital or emergency room;

3

4 (D) Dead on arrival at the facility;

5

6 (E) Transfer from or to another acute care
7 hospital;

8

9 (F) Admission directly from the emergency
10 room to the operating room;

11

12 (G) Trauma team activation;

13

14 (H) Meets prehospital triage criteria;

15

16 (J) Ambulance services providing patient
17 transportation to a hospital or emergency room.

18

19 (v) "Vehicle" means as defined in W.S.
20 31-5-102(a)(lviii).

21

22 **35-2-1002. Severance tax distributions into fund.**

23

1 Before making distributions from the severance tax
2 distribution account under W.S. 39-14-801(e)(iv), an amount
3 equal to the amount of tax collected under W.S.
4 35-2-1004(b) and 35-2-1007(b) for the same period shall be
5 distributed to the uncompensated trauma care account
6 created by W.S. 35-2-1001. Amounts distributed to the
7 uncompensated trauma care account under this subsection
8 shall not exceed the total amount otherwise distributed to
9 the highway fund under W.S. 39-14-801(e)(iv).

10

11 **35-2-1003. Imposition of gasoline tax.**

12

13 The tax imposed by W.S. 35-2-1004(b) shall cease to be
14 collected on the first day of the third month following the
15 date the department of health notifies the director of the
16 department of transportation that the balance of the
17 uncompensated trauma care account created by W.S. 35-2-1001
18 exceeds three million dollars (\$3,000,000.00). The tax
19 shall again be collected beginning on the first day of the
20 third month following the date the department of health
21 notifies the director of the department of transportation
22 that the balance of the uncompensated trauma care account
23 has fallen below two million dollars (\$2,000,000.00).

24

1 **35-2-1004. Taxation rate-gasoline tax.**

2

3 (a) From July 1, 2009 to June 30, 2011, the total tax
4 imposed by W.S. 39-17-104(a) shall be fifteen cents (\$.15)
5 per gallon.

6

7 (b) Within the total tax authorized by subsection (a)
8 of this section and in addition to the tax collected
9 pursuant to W.S. 39-17-104(a)(i) through (iii), there is
10 levied and shall be collected a license tax of one cent
11 (\$.01) per gallon on all gasoline used, sold or distributed
12 for sale or use in this state except for those fuels
13 exempted under W.S. 39-17-105(a) and (d).

14

15 **35-2-1005. Distribution-gasoline tax.**

16

17 All taxes collected under W.S. 35-2-1004(b) shall be
18 transferred to the state treasurer who shall deposit them
19 only into the state highway fund. The provisions of W.S.
20 39-17-111 and 39-17-105(c) shall not apply to the tax
21 imposed by W.S. 35-2-1004(b). Any refund for any
22 overpayment of this one cent (\$.01) tax shall be taken from
23 the taxes collected pursuant to W.S. 35-2-1004(b).

24

1 **35-2-1006. Imposition of diesel tax.**

2

3 The tax imposed by W.S. 35-2-1007(b) shall cease to be
4 collected on the first day of the third month following the
5 date the department of health notifies the director of the
6 department of transportation that the balance of the
7 uncompensated trauma care account created by W.S. 35-2-1001
8 exceeds three million dollars (\$3,000,000.00). The tax
9 shall again be collected beginning on the first day of the
10 third month following the date the department of health
11 notifies the director of the department of transportation
12 that the balance of the uncompensated trauma care account
13 has fallen below two million dollars (\$2,000,000.00).

14

15 **35-2-1007. Taxation rate-diesel fuel.**

16

17 (a) From July 1, 2009 to June 30, 2011, the total tax
18 imposed by W.S. 39-17-204(a) shall be fifteen cents (\$.15)
19 per gallon.

20

21 (b) Within the total tax authorized by subsection (a)
22 of this section and in addition to the tax collected
23 pursuant to W.S. 39-17-204(a)(i) through (iii), there is
24 levied and shall be collected a license tax of one cent

1 (\$.01) per gallon on all diesel fuels used, sold or
2 distributed for sale or use in this state except for those
3 fuels exempted under W.S. 39-17-105(a) and 39-17-205(b),
4 (d) and (e).

5

6 **35-2-1008. Distribution-diesel tax.**

7

8 All taxes collected under W.S. 35-2-1007(b) shall be
9 transferred to the state treasurer who shall deposit them
10 only into the state highway fund. The provisions of W.S.
11 39-17-211(d) shall not apply to the tax imposed by W.S.
12 35-2-1007(b). Any refund for any overpayment or for any
13 other refund authorized by law of this one cent (\$.01) tax
14 shall be taken from the taxes collected pursuant to W.S.
15 35-2-1007(b).

16

17 **35-2-1009. Definitions.**

18

19 The definitions contained in W.S. 39-17-201 shall apply to
20 this article.

21

22 **35-2-1010. Expiration.**

23

1 W.S. 35-2-1001 through 35-2-1009 are repealed effective
2 June 30, 2011.

3

4 **Section 2.** W.S. 39-14-801(e)(iv), 39-15-105(a)(v)(C),
5 39-16-105(a)(v)(B), 39-17-103(a)(i), 39-17-104(a)(intro),
6 39-17-105(a), 39-17-111(a), 39-17-201(a)(xvi), (xxi),
7 (xxvi) and (xxvii), 39-17-203(a)(i), 39-17-204(a)(intro),
8 39-17-205(b), (d) and (e), 39-17-209(c)(vi) and
9 39-17-211(a) are amended to read:

10

11 **39-14-801. Severance tax distributions; distribution**
12 **account created; formula.**

13

14 (e) Deposits into the account created by subsection
15 (a) of this section shall be distributed as follows,
16 subject to subsections (b) through (d) of this section:

17

18 (iv) Except as provided in W.S. 35-2-1002, to
19 the highway fund, four and thirty-three hundredths percent
20 (4.33%), except that if the total unencumbered revenues
21 within the state park road account created by W.S.
22 24-14-102 are less than five hundred thousand dollars
23 (\$500,000.00) on July 1, 2001 or on July 1 of any even-
24 numbered year thereafter, the state treasurer shall first

1 distribute revenues to that account in an amount equal to
2 five hundred thousand dollars (\$500,000.00) less the total
3 unencumbered revenues in the account on July 1 of that
4 year;

5

6 **39-15-105. Exemptions.**

7

8 (a) The following sales or leases are exempt from the
9 excise tax imposed by this article:

10

11 (v) For the purpose of exempting sales of
12 services and tangible personal property which are
13 alternatively taxed, the following are exempt:

14

15 (C) Sales of gasoline or gasohol taxed
16 under W.S. 39-17-101 through 39-17-111 and of diesel fuels
17 taxed under W.S. 39-17-201 through 39-17-211. The
18 exemption provided by this subparagraph shall not apply to
19 gasoline or gasohol taxed under W.S. 39-17-104(a)(iii) or
20 35-2-1004(b) or to diesel fuel taxed under W.S.
21 39-17-204(a)(ii) or 35-2-1007(b).

22

23 **39-16-105. Exemptions.**

24

1 (a) The following purchases or leases are exempt from
2 the excise tax imposed by this article:

3

4 (v) For the purpose of exempting sales of
5 services and tangible personal property which are
6 alternatively taxed, the following are exempt:

7

8 (B) Motor vehicle fuel which is subject to
9 taxation under W.S. 39-17-101 through 39-17-111 or
10 39-17-201 through 39-17-211. The exemption provided by
11 this subparagraph shall not apply to gasoline or gasohol
12 taxed under W.S. 39-17-104(a)(iii) or 35-2-1004(b) or to
13 diesel fuel taxed under W.S. 39-17-204(a)(ii) or
14 35-2-1007(b).

15

16 **39-17-103. Imposition.**

17

18 (a) Taxable event. The following shall apply:

19

20 (i) There is levied and shall be collected a
21 license tax on all gasoline used, sold or distributed for
22 sale or use in this state except for those fuels exempted
23 under W.S. 39-17-105 and as otherwise provided by W.S.
24 35-2-1003;

1

2 **39-17-104. Taxation rate.**

3

4 (a) Except as otherwise provided by this section,
5 W.S. 35-2-1004 and ~~W.S. 39-17-105~~, the total tax on
6 gasoline shall be fourteen cents (\$.14) per gallon. The
7 rate shall be imposed as follows:

8

9 **39-17-105. Exemptions.**

10

11 (a) Gasoline sold at a Wyoming terminal rack for
12 export, other than in the fuel supply tank of a motor
13 vehicle, by a person licensed as an exporter in this state
14 is exempt from the license tax imposed under W.S.
15 39-17-104(a)(i) through (iii) and 35-2-1004(b). The exempt
16 sales shall be reported on or before the last day of the
17 month in a format required by the department. The sales
18 reports are invalid if not submitted to the department
19 within one (1) year following date of sale. Gasoline
20 directly exported, other than in the fuel supply tank of a
21 motor vehicle, by a Wyoming licensed supplier, is exempt
22 from the additional license tax imposed under W.S.
23 39-17-104(a)(iii) and 35-2-1004(b). Exchanges and sales of

1 gasoline between suppliers are exempt from the license tax
2 under this section.

3

4 **39-17-111. Distribution.**

5

6 (a) Except as provided by W.S. 35-2-1005, all
7 gasoline license taxes and fees received by the department
8 under this article shall be transferred to the state
9 treasurer who shall credit them to the proper accounts as
10 specified by the department and in subsection (d) of this
11 section.

12

13 **39-17-201. Definitions.**

14

15 (a) As used in this article:

16

17 (xvi) "Person" means, for purposes of collecting
18 the tax provided by W.S. 35-2-1007 and 39-17-204(a)(ii), an
19 individual, partnership, corporation, joint stock company
20 or other association or entity, public or private;

21

22 (xxi) "Diesel fuels" means those combustible
23 gases and liquids commonly referred to as diesel fuel or
24 any other volatile liquid of less than forty-six (46)

1 degrees American petroleum industry gravity test, except
2 liquid petroleum gas, when actually sold for use in motor
3 vehicles for operation upon public roads and highways. The
4 term "diesel fuels" includes jet fuel which is the volatile
5 substance produced from petroleum, natural gas, oil, shale
6 or coal and sold under the name of jet fuel and kerosene
7 and any type of additive when the additive is mixed or
8 blended into diesel fuel, excluding a pour point
9 depressant. For the purposes of collecting the tax provided
10 by W.S. 35-2-1007 and 39-17-204(a)(ii) the term "diesel
11 fuel" includes all diesel fuel consumed or purchased for
12 any and all purposes;

13

14 (xxvi) "Use" means the consumption of fuel in a
15 motor vehicle upon a highway and includes the reception of
16 diesel fuel into any tank on a motor vehicle which is used
17 by the engine that generates motive power for the vehicle
18 and, for the purposes of collecting the tax provided by
19 W.S. 35-2-1007 and 39-17-204(a)(ii), includes all diesel
20 fuels consumed for any and all purposes;

21

22 (xxvii) "User" means any person who uses diesel
23 fuel within this state in an internal combustion engine for
24 the generation of power to propel a motor vehicle upon a

1 highway and, for the purposes of collecting the tax
2 provided by W.S. 35-2-1007 and 39-17-204(a)(ii), includes
3 any person who uses diesel fuel within this state for any
4 and all purposes;

5

6 **39-17-203. Imposition.**

7

8 (a) Taxable event. The following shall apply:

9

10 (i) There is levied and shall be collected a
11 license tax on all diesel fuels used, sold or distributed
12 for sale or use in this state except for those fuels
13 exempted in W.S. 39-17-205 and as otherwise provided by
14 W.S. 35-2-1006;

15

16 **39-17-204. Taxation rate.**

17

18 (a) Except as otherwise provided by this section,
19 W.S. 35-2-1007 and ~~W.S.~~39-17-205, the total tax on diesel
20 fuels shall be fourteen cents (\$.14) per gallon. The rate
21 shall be imposed as follows:

22

23 **39-17-205. Exemptions.**

24

1 (b) Diesel fuel sold at a Wyoming terminal rack for
2 export, other than in the fuel supply tank of a motor
3 vehicle, by a person licensed as an exporter in this state
4 is exempt from the license tax imposed under W.S.
5 39-17-204(a)(i) through (iii) and 35-2-1007(b). The exempt
6 sales shall be reported on or before the last day of the
7 month in a format required by the department. The sales
8 reports are invalid if not submitted to the department
9 within one (1) year following the date of sale.

10

11 (d) Dyed diesel fuel as defined in W.S.
12 39-17-201(a)(ix) is exempt from the license tax under W.S.
13 39-17-204(a)(i) and (iv) and 35-2-1007(b).

14

15 (e) Diesel fuel directly exported, other than in the
16 fuel supply tank of a motor vehicle, by a Wyoming licensed
17 supplier is exempt from the additional license tax imposed
18 under W.S. 39-17-204(a)(ii) and 35-2-1007(b).

19

20 **39-17-209. Taxpayer remedies.**

21

22 (c) Refunds. The following shall apply:

23

1 (vi) The license tax under W.S. 39-17-204(a)(ii)
2 and 35-2-1007(b) is subject to refund on all diesel fuel
3 sold in Wyoming for transportation of people, goods and
4 equipment in interstate commerce and used outside Wyoming,
5 provided that there is an adequate system for determining
6 whether or not the diesel fuel is used in Wyoming. Nothing
7 in this paragraph shall apply to the use, or sale or
8 distribution for use, of diesel fuel in Wyoming. The refund
9 request is invalid if not submitted within one (1) year.

10

11 **39-17-211. Distribution.**

12

13 (a) Except as provided by W.S. 35-2-1008, all diesel
14 fuels license taxes and fees received by the department
15 under this article shall be transferred to the state
16 treasurer who shall credit them to the proper accounts.

17

18 **Section 3.** This act is effective July 1, 2009.

19

20

(END)