

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; and
6 providing for an effective date.

7

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

9

10 **Section 1.** W.S. 35-2-913 is created to read:

11

12 **35-2-913. Uncompensated trauma care account created;**
13 **standards; rules; definitions.**

14

15 (a) There is created an uncompensated trauma care
16 account within the department of health. Effective July 1,

1 2010, the department shall administer the funds in this
2 account to reimburse acute care hospitals for trauma care
3 provided at acute care hospitals as specified in this
4 section.

5

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

8

9 (i) There is compliance with the reporting
10 requirements of the Wyoming trauma care program registry
11 before the request for reimbursement;

12

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

16

17 (iii) Requests for reimbursement may be
18 submitted to the department for payment only after one
19 hundred eighty (180) days have elapsed from the date the
20 bill for the services rendered was sent to the patient or
21 his representative.

22

23 (c) The department shall promulgate rules and
24 regulations to administer this reimbursement program on

1 behalf of the state of Wyoming. The rules and regulations
2 shall include provisions for:

3

4 (i) Ensuring that reimbursements do not exceed
5 the available funds;

6

7 (ii) Limiting reimbursement to the necessary
8 support of the poor;

9

10 (iii) Preventing duplication from this program
11 and private or public insurance programs;

12

13 (iv) Reimbursing hospitals for trauma service
14 costs and ambulance services for transporting patients to a
15 hospital or emergency room;

16

17 (v) Ensuring that the department shall total all
18 valid requests for reimbursement received and shall pay
19 each applicant a share of the applicant's submitted
20 requests in proportion to the total of the funds available,
21 not to exceed twenty-five percent (25%) of the available
22 funds for the relevant grant cycle.

23

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

8

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

13

14 (f) As used in this section:

15

16 (i) "Acute care hospital" means a hospital
17 licensed in Wyoming pursuant to this act and which provides
18 acute patient care;

19

20 (ii) "Ambulance service" means an ambulance
21 service licensed in Wyoming pursuant to W.S. 33-36-102
22 through 33-36-113 and which provides emergency medical
23 transportation to hospitals or emergency rooms;

24

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

8
9 (iv) "Trauma care services" means services to
10 patients with at least one (1) injury diagnosis code, using
11 the International Classification of Diseases, 9th Edition,
12 from 800.0 through 904, 925 through 929, 940 through 959.9
13 and 994.7, plus at least one (1) of the following:

14
15 (A) Hospitalization for one (1) calendar
16 day;

17
18 (B) Admission to the intensive care unit or
19 monitored bed unit;

20
21 (C) Cardiac or respiratory arrest on route
22 to the hospital or emergency room;

23
24 (D) Dead on arrival at the facility;

1

2

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

4

5

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

7

8

(G) Trauma team activation;

9

10

(H) Meets prehospital triage criteria;

11

12

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

14

15

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

17

18

19

20

21

22

23

24

Section 2. W.S. 35-2-901(a)(xxvi), 39-14-801 by creating a new subsection (f), 39-15-105(a)(v)(C), 39-16-105(a)(v)(B), 39-17-103(a) by creating a new paragraph (iii), 39-17-104(a)(intro) and by creating a new paragraph (iv), 39-17-105(a), 39-17-109(d)(iv), 39-17-111 by creating a new subsection (j), 39-17-201(a)(xvi), (xxi), (xxvi) and (xxvii), 39-17-203(a) by creating a new

1 paragraph (v), 39-17-204(a)(intro) and by creating a new
2 paragraph (iv), 39-17-205(b) and (e), 39-17-209(c)(vi) and
3 39-17-211 by creating a new subsection (h) are amended to
4 read:

5

6 **35-2-901. Definitions; applicability of provisions.**

7

8 (a) As used in this act:

9

10 (xxvi) "This act" means W.S. 35-2-901 through
11 ~~35-2-912~~ 35-2-913.

12

13 **39-14-801. Severance tax distributions; distribution**
14 **account created; formula.**

15

16 (f) Before making distributions from the severance
17 tax distribution account under paragraph (e)(iv) of this
18 section, an amount equal to the amount of tax collected
19 under W.S. 39-17-104(a)(iv) and 39-17-204(a)(iv) for the
20 same period shall be distributed to the uncompensated
21 trauma care account created by W.S. 35-2-913. Amounts
22 distributed to the uncompensated trauma care account under
23 this subsection shall not exceed the total amount otherwise

1 distributed to the highway fund under paragraph (e)(iv) of
2 this section.

3

4 **39-15-105. Exemptions.**

5

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

8

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

12

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

20

21 **39-16-105. Exemptions.**

22

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

1

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

5

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

12

13 **39-17-103. Imposition.**

14

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

16

17 (iii) The tax imposed by W.S. 39-17-104(a)(iv)
18 shall cease to be collected on the first day of the third
19 month following the date the department of health notifies
20 the director of the department of transportation that the
21 balance of the uncompensated trauma care account created by
22 W.S. 35-2-913 exceeds three million dollars
23 (\$3,000,000.00). The tax shall again be collected beginning
24 on the first day of the third month following the date the

1 department of health notifies the director of the
2 department of transportation that the balance of the
3 corrective action account has fallen below two million
4 dollars (\$2,000,000.00).

5

6 **39-17-104. Taxation rate.**

7

8 (a) Except as otherwise provided by this section and
9 W.S. 39-17-105, the total tax on gasoline shall be ~~fourteen~~
10 ~~cents (\$.14)~~ fifteen cents (\$.15) per gallon. The rate
11 shall be imposed as follows:

12

13 (iv) In addition to the tax collected pursuant
14 to paragraphs (i) through (iii) of this subsection, there
15 is levied and shall be collected a license tax of one cent
16 (\$.01) per gallon on all gasoline used, sold or distributed
17 for sale or use in this state except for those fuels
18 exempted under W.S. 39-17-105(a) and (d).

19

20 **39-17-105. Exemptions.**

21

22 (a) Gasoline sold at a Wyoming terminal rack for
23 export, other than in the fuel supply tank of a motor
24 vehicle, by a person licensed as an exporter in this state

1 is exempt from the license tax imposed under W.S.
2 39-17-104(a)(i) through ~~(iii)~~ (iv). The exempt sales shall
3 be reported on or before the last day of the month in a
4 format required by the department. The sales reports are
5 invalid if not submitted to the department within one (1)
6 year following date of sale. Gasoline directly exported,
7 other than in the fuel supply tank of a motor vehicle, by a
8 Wyoming licensed supplier, is exempt from the additional
9 license tax imposed under W.S. 39-17-104(a)(iii) and (iv).
10 Exchanges and sales of gasoline between suppliers are
11 exempt from the license tax under this section.

12

13 **39-17-111. Distribution.**

14

15 (j) All taxes collected under W.S. 39-17-104(a)(iv)
16 shall be transferred to the state treasurer who shall
17 deposit them only into the state highway fund. The
18 provisions of this section and W.S. 39-17-105(c) shall not
19 apply to the tax imposed by W.S. 39-17-104(a)(iv). Any
20 refund for any overpayment of this one cent (\$.01) tax
21 shall be taken from the taxes collected pursuant to W.S.
22 39-17-104(a)(iv).

23

24 **39-17-201. Definitions.**

1

2 (a) As used in this article:

3

4 (xvi) "Person" means, for purposes of collecting
5 the tax provided by W.S. 39-17-204(a)(ii) and (iv), an
6 individual, partnership, corporation, joint stock company
7 or other association or entity, public or private;

8

9 (xxi) "Diesel fuels" means those combustible
10 gases and liquids commonly referred to as diesel fuel or
11 any other volatile liquid of less than forty-six (46)
12 degrees American petroleum industry gravity test, except
13 liquid petroleum gas, when actually sold for use in motor
14 vehicles for operation upon public roads and highways. The
15 term "diesel fuels" includes jet fuel which is the volatile
16 substance produced from petroleum, natural gas, oil, shale
17 or coal and sold under the name of jet fuel and kerosene
18 and any type of additive when the additive is mixed or
19 blended into diesel fuel, excluding a pour point
20 depressant. For the purposes of collecting the tax provided
21 by W.S. 39-17-204(a)(ii) and (iv) the term "diesel fuel"
22 includes all diesel fuel consumed or purchased for any and
23 all purposes;

24

1 (xxvi) "Use" means the consumption of fuel in a
2 motor vehicle upon a highway and includes the reception of
3 diesel fuel into any tank on a motor vehicle which is used
4 by the engine that generates motive power for the vehicle
5 and, for the purposes of collecting the tax provided by
6 W.S. 39-17-204(a)(ii) and (iv), includes all diesel fuels
7 consumed for any and all purposes;

8
9 (xxvii) "User" means any person who uses diesel
10 fuel within this state in an internal combustion engine for
11 the generation of power to propel a motor vehicle upon a
12 highway and, for the purposes of collecting the tax
13 provided by W.S. 39-17-204(a)(ii) and (iv), includes any
14 person who uses diesel fuel within this state for any and
15 all purposes;

16

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

18

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

20

21 (v) The tax imposed by W.S. 39-17-204(a)(iv)
22 shall cease to be collected on the first day of the third
23 month following the date the department of health notifies
24 the director of the department of transportation that the

1 balance of the uncompensated trauma care account created by
2 W.S. 35-2-913 exceeds three million dollars
3 (\$3,000,000.00). The tax shall again be collected
4 beginning 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 corrective action account has fallen below two million
8 dollars (\$2,000,000.00).

9

10 **39-17-204. Taxation rate.**

11

12 (a) Except as otherwise provided by this section and
13 W.S. 39-17-205, the total tax on diesel fuels shall be
14 ~~fourteen cents (\$.14)~~ fifteen cents (\$.15) per gallon. The
15 rate shall be imposed as follows:

16

17 (iv) In addition to the tax collected pursuant
18 to paragraphs (i) through (iii) of this subsection, there
19 is levied and shall be collected a license tax of one cent
20 (\$.01) per gallon on all diesel fuels used, sold or
21 distributed for sale or use in this state except for those
22 fuels exempted under W.S. 39-17-105(a) and 39-17-205(b) and
23 (e).

24

1 **39-17-205. Exemptions.**

2

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

12

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

17

18 **39-17-209. Taxpayer remedies.**

19

20 (c) Refunds. The following shall apply:

21

22 (vi) The license tax under W.S. 39-17-204(a)(ii)
23 and (iv) is subject to refund on all diesel fuel sold in
24 Wyoming for transportation of people, goods and equipment

1 in interstate commerce and used outside Wyoming, provided
2 that there is an adequate system for determining whether or
3 not the diesel fuel is used in Wyoming. Nothing in this
4 paragraph shall apply to the use, or sale or distribution
5 for use, of diesel fuel in Wyoming. The refund request is
6 invalid if not submitted within one (1) year.

7

8 **39-17-211. Distribution.**

9

10 (h) All taxes collected under W.S. 39-17-204(a)(iv)
11 shall be transferred to the state treasurer who shall
12 deposit them only into the state highway fund. The
13 provisions of subsection (d) of this section shall not
14 apply to the tax imposed by W.S. 39-17-204(a)(iv). Any
15 refund for any overpayment or for any other refund
16 authorized by law of this one cent (\$.01) tax shall be
17 taken from the taxes collected pursuant to W.S.
18 39-17-204(a)(iv).

19

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

21

22

(END)