

SENATE FILE NO. SF0072

Medicaid benefit recovery.

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

A BILL

for

1 AN ACT relating to Medicaid benefit recovery; amending
2 provisions for recovery of Medicaid expenses from parents;
3 authorizing the departments of health and family services
4 to cooperate in collecting child support and recoupment of
5 Medicaid expenses as specified; granting rulemaking
6 authority; requiring reports; providing appropriations;
7 authorizing transfer of funds; and providing for an
8 effective date.

9

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

11

12 **Section 1.** W.S. 42-4-208(a)(i), (ii), by creating a
13 new paragraph (iii), (b) and by creating new subsections
14 (d) and (e) is amended to read:

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16 **42-4-208. Recovery for cost of health care.**

1

2 (a) The department, to the extent necessary to
3 reimburse its costs, shall be entitled to recover from any
4 parent who:

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6 (i) Is required by court or administrative order
7 to provide coverage of the cost of health services to a
8 child eligible for medical assistance under this act; ~~and~~

9

10 (ii) Has received payment from a third party for
11 the costs of such services but has not used the payments to
12 reimburse either the other parent or guardian of the child
13 or the provider of the services; ~~or~~ or

14

15 (iii) Has sufficient income or assets to
16 reimburse the department for expenses involved in the
17 childbirth.

18

19 (b) The department shall be entitled to enforce any
20 judgment entered pursuant to this section by garnishment or
21 any other available statutory remedy, either alone or in
22 coordination with the department of family services acting
23 pursuant to W.S. 20-2-309(a)(iv). The department of health,
24 to the extent allowable under federal law and regulations,

1 may coordinate its recovery of amounts pursuant to this
2 section with the department of family services.

3
4 (d) In addition to its authority pursuant to
5 subsection (a) of this section, the department shall have
6 authority pursuant to rules and regulations to request the
7 assistance of mothers who receive prenatal and childbirth
8 benefits in establishing paternity and pursuing
9 reimbursement of expenses for those benefits from the
10 child's father, to the maximum extent allowable under
11 federal law and regulations.

12
13 (e) The department shall not recover under this
14 section from a person who is the donor of any egg or sperm,
15 unless otherwise agreed in a writing signed by the donor
16 prior to conception using the donated egg or sperm, if:

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18 (i) The egg or sperm is provided to a licensed
19 physician or to a licensed sperm bank for use in artificial
20 insemination or in vitro fertilization;

21
22 (ii) The donor intends that the donated egg will
23 be used with the sperm, or the donated sperm will be used

1 with an egg, of a person who is not the donor's spouse and
2 who is unknown to the donor;

3
4 (iii) At the time of the donation, no contact between
5 the donor and any child conceived using the donated egg or
6 sperm is implied or expected.

7
8 **Section 2.**

9
10 (a) The department of health shall report annually by
11 October 1 for five (5) years to the joint labor, health and
12 social services interim committee regarding:

13
14 (i) Amounts collected pursuant to W.S. 42-4-208
15 during the previous year for reimbursement of Medicaid
16 benefits;

17
18 (ii) The percentage of children born in Wyoming
19 for whom the Medicaid program paid the costs of childbirth;

20
21 (iii) The income distribution of Wyoming
22 residents of child bearing age.

23
24 **Section 3.**

1

2 (a) There is appropriated to the department of health
3 within the healthcare finance program for the purposes of
4 this act:

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6 (i) Twenty-five thousand dollars (\$25,000.00) in
7 general funds; and

8

9 (ii) Twenty-five thousand dollars (\$25,000.00)
10 in federal funds.

11

12 (b) The department of health may contract with
13 independent legal counsel or may transfer to the department
14 of family services or the attorney general's office twenty-
15 five thousand dollars (\$25,000.00) in general funds and
16 twenty-five thousand dollars (\$25,000.00) in federal funds
17 from the healthcare finance program for the purpose of
18 implementing this act. Any transfer of funds pursuant to
19 this section shall be in accordance with the b-11 process
20 authorized by W.S. 9-2-1005(b)(ii). The department of
21 health shall report any transfer of funds, the expenditure
22 of those funds and the results of the expenditure to the
23 joint appropriations interim committee and the joint labor,
24 health and social services interim committee by December

1 31, 2014. Transfer of all funds authorized by this
2 subsection shall not be subject to the limits imposed in
3 2012 Wyoming Session Laws, Chapter 26, Section 309.

4

5 **Section 4.** This act is effective July 1, 2013.

6

7 (END)