

State of Wyoming



Department of Health

Rules and Regulations for Designated Hospitals

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**State of Wyoming
Department of Health**

**Chapters 6 through 8
Rules and Regulations for Designated Hospitals**

Rules and Regulations for Designated Hospitals
Wyoming State Hospital

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CHAPTERS 6 THROUGH 8

Rules and Regulations for Designated Hospitals

Statement of Reasons

The Wyoming Department of Health proposes to adopt the following Rules to comply with the provisions of W.S. § 25-10-101, *et seq.*, and the Wyoming Administrative Procedure Act at W.S. § 16-3-101, *et seq.* These Rules have been revised based on public comment and supersede Rules and Regulations for Designated Hospitals previously proposed by the Department.

The Department is promulgating these Rules, pursuant to Title 25, which allows for emergency detention and involuntary hospitalization of persons with mental illness. The law, under W.S. § 25-10-104, allows the Department to adopt standards for the designation of hospitals or other licensed treatment facilities as qualified to accept patients and provide treatment under the act, and allows the Department to promulgate rules and regulations, including rules regarding reimbursement pursuant to W.S. § 25-10-112.

These Rules will establish standards for the designation of hospitals and will define the conditions under which the Department may enter into a contract with a designated hospital or other licensed treatment facility for the inpatient psychiatric treatment of persons with mental illness. They will also establish standards for the reimbursement of designated hospitals or other treatment providers, and control costs billed to the Department.

As required by W.S. § 16-3-103(a)(i)(G), these Designated Hospital Rules meet minimum substantive state statutory requirements.

CHAPTER 6

Rules and Regulations for Designated Hospitals

General Provisions

Section 1. Authority. This Chapter is promulgated by the Department of Health (“the Department”) pursuant to the Involuntary Commitment Act (“the Act”), at W.S. § 25-10-101, *et seq.*, and the Wyoming Administrative Procedure Act at W.S. § 16-3-101, *et seq.*

Section 2. Purpose and Applicability.

(a) These rules have been adopted to establish definitions applicable to Chapter 7, Standards for the Designation of Hospitals pursuant to W.S. § 25-10-104 and Chapter 8, Standards for the Reimbursement of Designated Hospitals or Other Treatment Providers pursuant to W.S. § 25-10-112.

(b) The Department may issue manuals, bulletins or both to interpret the provisions of these rules. Such manuals and bulletins shall be consistent with and reflect the policies contained in these rules and regulations. The provisions contained in manuals or bulletins shall be subordinate to the provisions of these rules and regulations.

Section 3. General Provisions.

(a) Terminology. Except as otherwise specified, the terminology used in these rules is the standard terminology used in the industry, and has the standard meaning used in accounting, healthcare, Medicaid and Medicare.

(b) The incorporation by reference of any external standard is intended to be the incorporation of that standard as it is in effect on the effective date of this Chapter of these rules and regulations.

Section 4. Definitions. The following definitions shall apply in the interpretation and enforcement of these rules. Where the context in which words are used in these rules indicates that such is the intent, words in the singular shall include the plural and vice versa. Throughout these rules gender pronouns are used interchangeably, except where the context dictates otherwise. The drafters have attempted to utilize each gender pronoun in equal numbers, in random distribution. Words in each gender shall include individuals of the other gender.

(a) “CARF Accreditation” means accreditation according to the Commission on Accreditation of Rehabilitation Facilities.

(b) “Centers for Medicare and Medicaid (CMS) Certification” means the state survey agency has determined that a healthcare entity has been determined to meet the Social Security Act’s provider or supplier definitions, and is in compliance with standards required by Federal regulations.

(c) “Claims” means the process of billing the allowable cost of services under the Act to the Department or responsible county pursuant to W.S. § 25-10-112.

(d) “CMS 1500” means the billing claim form for healthcare services approved by the Centers for Medicaid and Medicare Services, which is used by physicians (formerly the HCFA 1500).

(e) “Department” means the Wyoming Department of Health.

(f) “Designated Hospital” means a holding hospital or psychiatric treatment hospital.

(g) “Emergency Detention” means the detention of a person pursuant to W.S. § 25-10-109.

(h) “Holding Hospital” means any hospital that provides care to an individual detained under W.S. § 25-10-109 and which bills the Department or the responsible county for the costs of that care under W.S. § 25-10-112.

(i) “Hospital” means a licensed institution or a unit in a licensed institution which provides one (1) or more of the following to patients by or under the supervision of an organized medical staff, as indicated in the Department’s Rules and Regulations for Licensure of Hospitals, Chapter 12, Section 4, Definitions (m):

(i) Diagnostic and therapeutic services for medical diagnosis, treatment and care of injured, disabled or sick persons;

(ii) Rehabilitation services for the mental health rehabilitation of injured, disabled or sick persons;

(iii) Acute care;

(iv) Psychiatric care; and/or

(v) Swing Beds.

(j) “Inpatient psychiatric treatment” means the medical diagnosis, treatment and care of persons with mental illness requiring hospitalization which is provided under the direction of a licensed, board certified psychiatrist.

(k) “Involuntary hospitalization” means the hospitalization of a person against their will under W.S. § 25-10-110, at the Wyoming State Hospital or at a psychiatric treatment hospital under contract with the Department to provide inpatient psychiatric treatment.

(l) “JCAHO” means the Joint Commission for the Accreditation of Healthcare Organizations.

(m) “Medicaid” means medical assistance and services provided pursuant to Title XIX of the Social Security Act and/or the Wyoming Medical Assistance and Services Act, at W.S. § 42-4-101, *et seq.*

(n) “Medically necessary” means items and services which may be justified as reasonable, necessary, and/or appropriate, based on evidence-based clinical standards of care.

(o) “Medical Records” means all documents, in whatever form, in the possession of or subject to the control of the designated hospital, which describe the patient’s diagnosis, condition and/or treatment.

(p) “Other treatment provider” means a licensed physician, who provides services under W.S. § 25-10-109 and W.S. § 25-10-110 and who bills the Department or responsible county for those services independent of a designated hospital.

(q) “Patient” means an individual receiving care by a designated hospital or other treatment provider for a mental illness pursuant to W.S. §§ 25-10-101 through 25-10-305.

(r) “Physician” means an individual licensed to practice medicine.

(s) “Treatment” means diagnosis, evaluation, intervention, which may include psychiatric medication, individual and group mental health counseling, illness management and diversion services such as immediate linkages to mental health services in the community, and discharge planning. These services begin at the time of detention and continue throughout involuntary hospitalization. Treatment does not mean observation or supervision.

(t) “Universal billing claim form” means the national standardized form used by hospitals and other healthcare facilities or treatment providers which summarizes the allowable costs for services provided by the hospital or other treatment provider.

(u) “Utilization Review” means the process of comparing requests for medical services to guidelines or criteria that are deemed appropriate for such services.

(v) “Volunteer assistance” means monitoring of a person detained under W.S. § 25-10-109, by a member of the community independent of that person’s regular employment.

(w) “Wyoming State Hospital” means the state healthcare facility serving persons with mental illness located in Evanston, Wyoming.

Section 5. Severability. If any portion of this Chapter is found to be invalid or unenforceable, the remainder shall continue in full force and effect.

CHAPTER 7

Rules and Regulations for Designated Hospitals

STANDARDS- Standards for FOR the THE DESIGNATION Designation OF of HOSPITALS Hospitals

Chapter ~~6~~ 7

Section 1. ~~_____~~ -Authority.

~~_____~~ This Chapter is ~~promulgated~~ promulgated by the Department of Health (“the Department”) pursuant to the Involuntary Commitment Act, ~~— (“the Act”) 2006 Session, Enrolled Act No. 60, codified at W.S. § 25-10-104-1, et. seq., and the Wyoming Administrative Procedures Act at W.S. § 16-3-101, et. seq.~~

Section 2. ~~_____~~ -Purpose and Applicability.

(a) ~~_____~~ These rules have been adopted To establish standards for the designation of hospitals and to define the conditions under which the Department may enter into a contract with a designated hospital or other licensed treatment facility for the inpatient psychiatric treatment of persons with mental illness pursuant to W.S. § 25-10-104.

~~(a)(b)~~ The Department may issue manuals, bulletins or both to interpret the provisions of theseis rules. Such manuals and bulletins shall be consistent with and reflect the policies contained in theseis rules and regulations. The provisions contained in manuals or bulletins shall be subordinate to the provisions of theseis rules and regulations.

~~Section 3. General Provisions.~~

~~(a) — Terminology. Except as otherwise specified, the terminology used in this rule is the standard terminology used in the industry, and has the standard meaning used in accounting, healthcare, Medicaid and Medicare.~~

~~(b) — General Methodology. The Department reimburses designated facilities for convered services using specific charges agreed upon in the contracting process and pursuant to W.S. 25-10-112(d).~~

~~(c) — The incorporation by reference of any external standard is intended to be the incorporation of that standard as it is in effect on the effective date of this Chapter of this rule and regulation.~~

~~Section 4. Definitions.~~

~~The following definitions shall apply in the interpretation and enforcement of this rule. Where the context in which words are used in this rule indicates that such is the intent, words in the singular shall include the plural and vice versa. Throughout this rule gender pronouns are used interchangeably, except where the context dictates otherwise.~~

~~The drafters have attempted to utilize each gender pronoun in equal numbers, in random distribution. Words in each gender shall include individuals of the other gender.~~

~~For purposes of this rule, the following shall apply:~~

~~(a) —“Active Treatment” means treatment as defined in 42 CFR 482.61 (c) Standard: Treatment Plan.~~

~~(b) —“Acute Care” means inpatient services provided to persons with mental illness having a short and relatively severe course.~~

~~(c) —“Admission” means that period of time in which a patient officially enters, or is admitted, to a hospital.~~

~~(d) —“Admission Certification” means the certification made pursuant to W.S. 25-10-109 (emergency detention) and /or Title 25-10-110 (involuntary hospitalization).~~

~~(e) —“CARF Accreditation” means accreditation according to the Commission on Accreditation of Rehabilitation Facilities.~~

~~(f) —“CMS Certification” means the certification process under the Centers for Medicare and Medicaid Services~~

~~(g) —“Covered Services” means inpatient psychiatric services for individuals rendered pursuant to W.S. 25-10-104, W.S. 25-10-109 and W.S. 25-10-110.~~

~~(h) —“Patient” means an individual receiving treatment for a mental illness pursuant to W.S. 25-10-101 through 25-10-305.~~

~~(i) —“Department” means the Wyoming Department of Health.~~

~~(j) —“DSM IV” means the current edition of the Diagnostic and Statistical Manual of the American Psychiatric Association, which is incorporated by this reference.~~

~~(k) —“Emergency Detention” means the detention of a person pursuant to W.S. 25-10-109.~~

~~(l) —“Field Audit” means a visit to each designated hospital at least once a year to review services rendered to patients pursuant to W.S. 25-10-101 *et. seq.*~~

~~(m) —“Financial Records” means all records, in whatever form, including financial reports, used or maintained by a facility in the conduct of its business affairs and which are necessary to substantiate or understand the information contained in the hospital cost reports or claims.~~

~~(n) —“Hospital” means an institution or a unit in an institution providing one (1) or more of the following to patients by or under the supervision of an organized medical~~

staff, as indicated in the ~~Rules and Regulations for Licensure of Hospitals, Chapter 12, Section 4, Definitions (m):~~

~~(i) — Diagnose and therapeutic services for medical diagnosis, treatment, and care of injured, disabled or sick persons;~~

~~(ii) — Rehabilitation services for the mental health rehabilitation of injured, disabled or sick persons;~~

~~(iii) — Acute care;~~

~~(iv) — Psychiatric care;~~

~~(v) — Swing Beds.~~

~~(o) — “Individual Written Plan of Care” means a written treatment plan that meets the requirements of 42 CFR §482.61.~~

~~(p) — “JCAHO” means the Joint Commission for the Accreditation of Healthcare Organizations.~~

~~(q) — “Medical Records” means all documents, in whatever form, in the possession of or subject to the control of the facility, which describe the recipient’s diagnosis, condition and/or treatment.~~

~~(r) — “Medical Records Review” means the Department of Health, Wyoming State Hospital’s review of the designated hospital’s medical records and/or financial records, to determine:~~

~~(i) — If the costs incurred by the designated hospital are reasonably related to the care furnished to the patient; and~~

~~(ii) — If the care furnished to the patient was medically necessary for the specific treatment of the patient’s psychiatric illnesses.~~

~~(s) — “Medicare” means the health insurance program for the aged and disabled established pursuant to Title XVIII of the Social Security Act~~

~~.~~

~~(t) — “Physician” means an individual licensed under the laws of this state to practice medicine.~~

~~(u) — “Treatment” means diagnosis, evaluation, medication, therapy or prescribed care other than observation, supervision, or discharge planning.~~

~~Section 53. - Designated Hospital Requirements. To be considered a “designated hospital” a hospital must meet the following minimum requirements:~~

~~(i) Any hospital that meets the “special provisions applying to psychiatric hospitals” as found in 42 CFR § 482.60, as being qualified to treat persons with mental illnesses pursuant to W.S. 25-10-104.~~

~~(ii) General hospitals with specific inpatient psychiatric units, as well as free-standing psychiatric hospitals, as being qualified to treat persons with mental illnesses pursuant to W.S. 25-10-104.~~

~~(iii) Hospitals that do not have a specific inpatient psychiatric unit, but which do have psychiatric services available and psychiatrist(s) as part of the medical staff, as being qualified to treat persons with mental illnesses pursuant to W.S. 25-10-104.~~

~~(iv) This rule also establishes standards to designate other licensed treatment facilities, limited-licensed hospitals which have psychiatrist(s) available for consultation, as being qualified to treat persons with mental illnesses pursuant to W.S. 25-10-104.~~

(a) Designated hospitals which bill the Department for services pursuant to W.S. § 25-10-112 shall have a safe and secure location to hold an individual who is emergently detained under W.S. § 25-10-109, with or without law enforcement or volunteer assistance.

(b) Designated hospitals shall provide treatment services with the patient’s consent and/or allow access to the patient by community mental health center staff or the patient’s private mental health provider for purposes of providing treatment with the patient’s consent. Treatment services may be provided without patient consent or the consent of his parent or guardian when treatment is limited to diagnosis or evaluation or when treatment is necessary to prevent immediate and serious physical harm to the person or others pursuant to W.S. § 25-10-109(f).

(c) Designated hospital staff shall have access to ongoing psychiatric consultation services provided by the Wyoming State Hospital for purposes of prescribing and monitoring psychotropic medications. The Wyoming State Hospital shall notify designated hospitals of the process to receive consultative services.

(d) Designated hospital staff shall consult with the Wyoming State Hospital staff in advance of the following anticipated extended hospital stays. This consultation shall be conducted in a manner to reasonably function as a utilization review of the recommended continued stay.

(i) (i) An anticipated extension of an emergency detention beyond 72 hours; and

(ii) An anticipated extended involuntary hospitalization beyond 14 days.

Section ~~64~~. ~~Provider Participation~~ Contracts with Designated Hospitals.

(a) Pursuant to W.S. § 25-10-104, the Department may enter into a contract with a designated hospital for the provision of inpatient psychiatric treatment under W.S. § 25-10-104 if the designated hospital meets any of the following qualifications:

(i) A hospital which meets the “special provisions applying to psychiatric hospitals,” pursuant to 42 CFR § 482.60, as being qualified to treat persons with mental illness;

(ii) ~~(ii)~~ A general hospital with a specific inpatient psychiatric unit;

(iii) A hospital without a specific inpatient psychiatric unit with psychiatric services available, to include a psychiatrist as a member of the medical staff of the hospital; or

(iv) ~~(iv)~~ Other licensed treatment facilities and limited licensed hospitals, which have psychiatrists available for consultation.

(b) To enter into a contract ~~To be accepted as a designated hospital or other treatment facility to enter into a contract~~ with the Wyoming State Hospital Department, the hospital or facility must submit a letter of intent to the Wyoming State Hospital. Enclosed with the letter of intent must be the following documents:

~~(a)(i)~~ A copy of the hospital or facility’s license issued by the state survey agency; ~~Wyoming Department’s of Health’s Office of Healthcare Licensing and Surveys; and~~

~~(b)(ii)~~ A copy of the hospital or facility’s most recent JCAHO or CARF accreditation certificate and/or Centers for Medicare and Medicaid (CMS) certification.

(c) Once verification of all documents has been completed by the Wyoming State Hospital, ~~a letter of the decision as to the designation will be sent.~~ ~~notification of acceptance or rejection will be provided to the hospital.~~ If the hospital is accepted, a contract outlining the hospital or facility’s responsibilities with regard to accepting patients and providing treatment for persons with mental illnesses, as defined in W.S. § 25-10-110, ~~will commence~~ will be initiated.

~~(d) Recertification~~ Contract extensions or the development of new contracts will be ~~conducted~~ completed annually and in the same manner as described above pending receipt by the Wyoming State Hospital of the documents listed in Section 4(b)(i) and (ii).

~~Continued contracts will be initiated by March 1 of each calendar year to commence by July 1 of each calendar year.~~

~~Section 7. Required Reports.~~

~~Designated hospitals shall provide reports to the Wyoming State Hospital detailing the services rendered to patients under these rules and pursuant to W.S. 25-10-101 *et. seq.* These reports shall include, but are not limited to:~~

~~Continued emergency detention. All medical records as well itemized billing statements for which the designated hospital is seeking payment from the Department of Health.~~

~~(b) Title 25 involuntary commitments. All medical records as well as itemized billing statements for which the designated hospital is seeking payment from the Department of Health.~~

~~(c) The designated hospital shall submit quarterly reports to the Wyoming State Hospital in a manner prescribed in the contract and/or compliance manuals.~~

~~(d) The designated hospital shall submit documentation of all efforts made to recover all costs of treatment from public and private health insurance, from patients, and from government benefit programs as required by W.S. 25-10-112(d).~~

~~Section 58. —Visitation to Designated Hospitals.~~

~~The Wyoming Department of Health or its designee will conduct annual visits to designated hospitals pursuant to W.S. §- 25-10-104(d) and to review compliance with these rules and with the respective contract requirements as applicable.~~

~~entered into pursuant to W.S. 25-10-112(d).~~

~~Section 610. Implementation of Chapter.~~

~~(a) The order in which the provisions of this Chapter appear is not to be construed to mean that any provision is more or less important than any other provision.~~

~~(b) The text of this Chapter shall control the titles of its various provisions.~~

~~Section 711. —Superseding Effect.~~

~~When promulgated, this Chapter supersedes all prior rules or policy statements issued by the Department, including manuals and/or bulletins, which are inconsistent with this Chapter.~~

~~Section 812. —Severability.~~

~~If any portion of this Chapter is found to be invalid or unenforceable, the remainder shall continue in full force and effect.~~

CHAPTER 7

Rules and Regulations for Designated Hospitals

Standards for the Designation of Hospitals

Section 1. Authority. This Chapter is promulgated by the Department of Health (“the Department”) pursuant to the Involuntary Commitment Act, (“the Act”) at W.S. § 25-10-101, *et seq.*, and the Wyoming Administrative Procedure Act at W.S. § 16-3-101, *et seq.*

Section 2. Purpose and Applicability.

(a) These rules have been adopted to establish standards for the designation of hospitals and to define the conditions under which the Department may enter into a contract with a designated hospital or other licensed treatment facility for the inpatient psychiatric treatment of persons with mental illness pursuant to W.S. § 25-10-104.

(b) The Department may issue manuals, bulletins or both to interpret the provisions of these rules. Such manuals and bulletins shall be consistent with and reflect the policies contained in these rules and regulations. The provisions contained in manuals or bulletins shall be subordinate to the provisions of these rules and regulations.

Section 3. Designated Hospital Requirements.

(a) Designated hospitals, which bill the Department for services pursuant to W.S. § 25-10-112, shall have a safe and secure location to hold an individual who is emergently detained under W.S. § 25-10-109, with or without law enforcement or volunteer assistance.

(b) Designated hospitals shall provide treatment services with the patient’s consent and/or allow access to the patient by community mental health center staff or the patient’s private mental health provider for purposes of providing treatment with the patient’s consent. Treatment services may be provided without patient consent or the consent of his parent or guardian when treatment is limited to diagnosis or evaluation or when treatment is necessary to prevent immediate and serious physical harm to the person or others pursuant to W.S. § 25-10-109(f).

(c) Designated hospital staff shall have access to ongoing psychiatric consultation services provided by the Wyoming State Hospital for purposes of prescribing and monitoring psychotropic medications. The Wyoming State Hospital shall notify designated hospitals of the process to receive consultative services.

(d) Designated hospital staff shall consult with the Wyoming State Hospital staff in advance of the following anticipated extended hospital stays. This consultation

shall be conducted in a manner to reasonably function as a utilization review of the recommended continued stay.

(i) An anticipated extension of an emergency detention beyond 72 hours; and

(ii) An anticipated extended involuntary hospitalization beyond 14 days.

Section 4. Contracts with Designated Hospitals.

(a) Pursuant to W.S. § 25-10-104, the Department may enter into a contract with a designated hospital for the provision of inpatient psychiatric treatment if the designated hospital meets any of the following qualifications:

(i) A hospital which meets the “special provisions applying to psychiatric hospitals,” pursuant to 42 CFR § 482.60, as being qualified to treat persons with mental illness;

(ii) A general hospital with a specific inpatient psychiatric unit;

(iii) A hospital without a specific inpatient psychiatric unit with psychiatric services available, to include a psychiatrist as a member of the medical staff of the hospital; or

(iv) Other licensed treatment facilities and limited licensed hospitals which have psychiatrists available for consultation.

(b) To enter into a contract with the Department, the hospital or facility must submit a letter of intent to the Wyoming State Hospital. Enclosed with the letter of intent must be the following documents:

(i) A copy of the hospital or facility’s license issued by the state survey agency; and

(ii) A copy of the hospital or facility’s most recent JCAHO or CARF accreditation certificate and/or Centers for Medicare and Medicaid (CMS) certification.

(c) Once verification of all documents has been completed by the Wyoming State Hospital, notification of acceptance or rejection will be provided to the hospital. If the hospital is accepted, a contract outlining the hospital or facility’s responsibilities with regard to accepting patients and providing treatment for persons with mental illnesses, as defined in W.S. § 25-10-110, will be initiated.

(d) Contract extensions or the development of new contracts will be completed annually pending receipt by the Wyoming State Hospital of the documents listed in Section 4(b)(i) and (ii).

Section 5. Visitation to Designated Hospitals. The Wyoming Department of Health or its designee will conduct annual visits to designated hospitals pursuant to W.S. § 25-10-104(d) and review compliance with these rules and with the contract requirements as applicable.

Section 6. Implementation of Chapter.

(a) The order in which the provisions of this Chapter appear is not to be construed to mean that any provision is more or less important than any other provision.

(b) The text of this Chapter shall control the titles of its various provisions.

Section 7. Superseding Effect. When promulgated, this Chapter supersedes all prior rules or policy statements issued by the Department, including manuals and/or bulletins, which are inconsistent with this Chapter.

Section 8. Severability. If any portion of this Chapter is found to be invalid or unenforceable, the remainder shall continue in full force and effect.

CHAPTER 8

Emergency Rules and Regulations for Designated Hospitals

Standards for Reimbursement of Designated Hospitals or Other Treatment Providers

Section 1. Authority. This Chapter is promulgated by the Department of Health (“the Department”) pursuant to the Involuntary Commitment Act (“the Act”), codified at W.S. § 25-10-101, *et seq.*, and the Wyoming Administrative Procedure Act at W.S. § 16-3-101, *et seq.*

Section 2. Purpose and Applicability.

(a) These rules have been adopted to establish standards for the reimbursement of designated hospitals or other treatment providers and to establish standards to control costs billed to the Department pursuant to W.S. § 25-10-112.

(b) The Department may issue manuals, bulletins, or both to interpret the provisions of these rules. Such manuals and bulletins shall be consistent with and reflect the policies contained in these rules and regulations. The provisions contained in manuals or bulletins shall be subordinate to the provisions of these rules and regulations.

Section 3. Filing of Claims.

(a) Designated hospitals or other treatment providers filing claims with the Department under W.S. § 25-10-112 for services provided pursuant to W.S. § 25-10-109 or W.S. § 25-10-110 shall provide documentation to the Department detailing the services rendered to patients for which payment is being requested. This documentation shall include, but is not limited to:

(i) All medical records directly related to the services for which payment is being requested;

(ii) An itemized billing statement for services for which payment is requested, to include, as applicable:

(1) A universal billing form;

(2) A CMS 1500

(iii) The emergency detention notice, Form 3-81 and, if applicable, the continued emergency detention court order;

(iv) The involuntary hospitalization court order, if applicable, and any any papers showing the patient’s release from involuntary hospitalization, Form 14-81.

(v) A certification, signed by the designated hospital representative or treatment provider, indicating that the patient has no public or private health insurance

and that there are no other governmental benefit programs from which it can recover the costs of treatment;

(vi) An affidavit from the patient or the legal representative of the patient providing the patient's financial condition to document the patient's inability to pay for treatment. The format for the affidavit and the certification shall be developed by the Department.

(vii) Documentation of all efforts made to recover costs of treatment from public and private health insurance, from the patient, and from government benefit programs prior to seeking payment from the Department.

(b) Claims for payment to the Department must be submitted within one (1) year of the service date to be considered for payment.

(c) Claims for medical treatment for those conditions that are not directly related to the emergency detention shall not be paid by the Department.

Section 4. Payment of Claims.

(a) Payment made by the Department pursuant to W.S. § 25-10-112, for services provided by a designated hospital or other treatment provider under W.S. § 25-10-109 and W.S. § 25-10-110, shall not exceed:

(i) The current rate for similar services as determined by Medicaid; or

(ii) A fixed, all-inclusive per diem rate as determined by the Department.

(b) The Department, in considering a claim for payment, shall determine if the costs submitted by the designated hospital or other treatment provider are reasonably related to the care furnished to the patient and if the care furnished to the patient was medically necessary for the specific treatment of the patient's mental illness.

(c) After a designated hospital or other treatment provider has submitted all documentation as required in Section 5(a), the Department shall pay each claim within 45 days of receipt of the claim pursuant to W.S. § 16-6-602.

Section 5. Implementation of Chapter.

(a) The order in which the provisions of this Chapter appear is not to be construed to mean that any provision is more or less important than any other provision.

(b) The text of this Chapter shall control the titles of its various provisions.

Section 6. Superseding Effect. When promulgated, this Chapter supersedes all prior rules or policy statements issued by the Department, including manuals and/or bulletins, which are inconsistent with this Chapter.

Section 7. Severability. If any portion of this Chapter is found to be invalid or unenforceable, the remainder shall continue in full force and effect.