

HOUSE BILL NO. HB0091

Mental health and substance abuse appropriations.

Sponsored by: Select Committee on Mental Health and
Substance Abuse Services

A BILL

for

1 AN ACT relating to mental health and substance abuse
2 programs; providing appropriations, providing continuous
3 appropriations; specifying conditions; requiring
4 rulemaking; continuing a study of the mental health and
5 substance abuse services delivery system; requiring
6 reports; authorizing positions; and providing for effective
7 dates.

8

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

10

11 **Section 1. Wyoming state hospital facilities study.**

12

13 (a) There is appropriated one hundred seventy-three
14 thousand six hundred eighty dollars (\$173,680.00), or as
15 much thereof as is necessary, from the budget reserve
16 account to the department of administration and

1 information. Notwithstanding W.S. 9-4-207, funds
2 appropriated under this section shall not lapse or revert
3 to the general fund at the end of the biennium ending June
4 30, 2006.

5

6 (b) The state building commission shall use the funds
7 appropriated under this section to enter into competitive
8 bid contracts with one (1) or more entities to conduct a
9 building assessment of the physical infrastructure at the
10 Wyoming state hospital to determine the extent to which
11 buildings and other structures at the Wyoming state
12 hospital may need to be remodeled, repaired or replaced.
13 The state building commission shall report to the joint
14 appropriations interim committee and the select committee
15 on mental health and substance abuse services no later than
16 September 1, 2007, with a description of the current
17 physical facilities at the Wyoming state hospital, the
18 extent to which structures need to be remodeled or replaced
19 to meet life safety codes and any other standards
20 applicable to facilities for the treatment and housing of
21 mentally ill persons, and the projected costs for such
22 proposals.

23

1 (c) The Wyoming state hospital shall assist the state
2 building commission and its contractors, as necessary, to
3 determine the needs of the physical facilities at the state
4 hospital. The state hospital shall specifically establish
5 a strategic plan, to be coordinated with the mental health
6 division of the department of health, defining its mission
7 in treatment of mentally ill persons in the state and shall
8 report to the joint appropriations interim committee and
9 the select committee on mental health and substance abuse
10 services no later than August 1, 2006. The strategic plan
11 shall include a description of:

12

13 (i) The scope of acute adult psychiatric care the
14 state hospital will provide;

15

16 (ii) The scope of forensic examinations and
17 treatment the state hospital will provide for persons who
18 have entered a plea of not guilty by reason of mental
19 illness or deficiency under W.S. 7-11-301 through 7-11-307;

20

21 (iii) The scope of in-patient and out-patient
22 services the state hospital will provide;

23

1 (iv) The scope of geropsychiatric services the
2 state hospital will provide;

3

4 (v) The availability and projected need for adult
5 voluntary and involuntary acute residential psychiatric
6 care;

7

8 (vi) Other programs of care as may be determined
9 to be appropriate to the institution.

10

11 (d) This section is effective immediately upon
12 completion of all acts necessary for a bill to become law
13 as provided by Article 4, Section 8 of the Wyoming
14 Constitution.

15

16 **Section 2. Advocacy liaison position at Wyoming state**
17 **hospital.**

18

19 (a) There is appropriated one hundred fifty thousand
20 dollars (\$150,000.00), or as much thereof as is necessary,
21 from the general fund for the biennium beginning July 1,
22 2006, to the Wyoming attorney general to contract with the
23 federally funded agency established under the federal
24 Protection and Advocacy for Mentally Ill Individuals Act

1 (42 U.S.C. 10803) for a liaison position located at the
2 Wyoming state hospital to ensure the safety, treatment and
3 civil rights of residents at the state hospital are
4 protected.

5

6 (b) The state hospital shall provide office space and
7 equipment necessary for the liaison position to perform its
8 functions, but the liaison shall not be a state employee
9 for purposes of the attorney general's or the department of
10 health's budgets. The liaison shall be hired and subject to
11 the policies of the federally funded agency specified in
12 subsection (a) of this section.

13

14 (c) The attorney general shall, in consultation with
15 the federally funded agency specified in subsection (a) of
16 this section, establish criteria to provide the liaison
17 with maximum access to patients and facilities at the state
18 hospital, consistent with state and federal privacy and
19 treatment standards.

20

21 (d) The liaison shall report its activities and
22 findings directly to the federally funded agency specified
23 in subsection (a) of this section. Any findings by the
24 liaison of alleged violations or practices that compromise

1 the safety, treatment or civil rights of patients at the
2 state hospital shall, immediately upon receipt from the
3 liaison, be provided by the federally funded agency to the
4 administrator of the state hospital, the director of the
5 department of health and the attorney general.

6
7 **Section 3. Community services enhancements.**

8
9 (a) There is appropriated three million one hundred
10 ninety-five thousand one hundred dollars (\$3,195,100.00),
11 or as much thereof as is necessary, from the general fund
12 for the biennium beginning July 1, 2006, to the department
13 of health, mental health division, to reimburse community
14 based mental health and substance abuse centers with whom
15 the division has contracts, for community services
16 enhancements. The funds appropriated under this section
17 shall be used by the community mental health and substance
18 abuse centers to enhance supported independent living,
19 including emergency subsistence, prescription medication,
20 other health and medical supports, housing, transportation,
21 development of socialization skills, respite care and other
22 appropriate services, as determined by the department of
23 health.

1 (b) There is appropriated three million six hundred
2 seventy thousand six hundred ninety-seven dollars
3 (\$3,670,697.00), or as much thereof as is necessary, from
4 the general fund for the biennium beginning July 1, 2006,
5 to the department of health, mental health division, for
6 enhancements of mental health clinical services within each
7 county of the state and within each region as designated by
8 the department of health, mental health division. The
9 distribution of funds under this subsection shall be fair
10 and equitable and based on the expected level of service
11 within each region or county. Outcomes of services shall
12 be monitored and funds shall be redistributed periodically
13 to providers, based on measured performance.

14

15 (c) There is appropriated one million three hundred
16 forty-four thousand dollars (\$1,344,000.00), or as much
17 thereof as is necessary, from the general fund for the
18 biennium beginning July 1, 2006, to the department of
19 health, mental health division, to contract for emergency
20 clinical services to establish uniformity in local
21 emergency mental health clinical response services.
22 Provider contracts shall include requirements that
23 emergency responses will take not longer than:

24

1 (i) Fifteen (15) minutes for a telephone
2 response by an appropriate licensed professional;

3
4 (ii) One (1) hour on-site response time by an
5 appropriate licensed professional within a community; and

6
7 (iii) Two (2) hours on-site response time by an
8 appropriate licensed professional within a county.

9
10 **Section 4. Medicaid waiver.**

11
12 (a) The department of health shall apply for a mental
13 health waiver from the federal centers for Medicare and
14 Medicaid services (CMS) to allow the provision of services
15 under the mental health waiver to children who are in need
16 of mental health services under the Wyoming Medical
17 Assistance and Services Act, in such a manner that will not
18 require the child's family to relinquish legal custody of
19 the child. Children eligible under the waiver shall be
20 required to:

21
22 (i) Undergo an evaluation to determine a
23 diagnosis and level of care;

1 (ii) Meet the federal definition of a child with
2 a serious emotional disturbance as defined in 34 C.F.R.
3 part 300.7;

4
5 (iii) Meet at least one (1) Medicaid criterion
6 for inpatient psychiatric hospitalization;

7
8 (iv) Receive a recommendation from a licensed
9 mental health professional that the child can safely be
10 served in his home, school and community; and

11
12 (v) Meet Medicaid financial eligibility
13 requirements based on the child's own resources, without
14 regard to the resources of other members of the child's
15 family unit.

16
17 (b) Up to two hundred fifty (250) children may be
18 served under the mental health waiver, if approved by CMS,
19 on a first-come, first-served basis. The department shall
20 screen children for eligibility prior to placing the child
21 on a waiting list for services under the mental health
22 waiver. The waiting list and the status of each child on
23 the waiting list with respect to eligibility and the need

1 for services shall be reviewed at least quarterly by the
2 department.

3

4 (c) For purposes of this section and contingent upon
5 approval of the waiver by CMS, there is appropriated for
6 the biennium beginning July 1, 2006, to the department of
7 health, mental health division, the following amounts to
8 implement the purposes of the mental health waiver:

9

10 (i) Four million three hundred eighty-seven
11 thousand four hundred eighty dollars (\$4,387,480.00) from
12 the general fund;

13

14 (ii) Four million eight hundred twelve thousand
15 five hundred twenty dollars (\$4,812,520.00) from federal
16 funds.

17

18 (d) Subsection (a) of this section is effective
19 immediately upon completion of all acts necessary for a
20 bill to become law as provided by Article 4, Section 8 of
21 the Wyoming Constitution.

22

23 **Section 5. Bereavement counseling.**

24

1 (a) There is appropriated from the general fund to the
2 department of health, mental health division, fifty
3 thousand dollars (\$50,000.00), which the division may
4 distribute, upon application from qualified private, not-
5 for-profit agencies providing mental health service under
6 contract with the division, for bereavement counseling
7 services to surviving family members of deceased emergency
8 responders who died while in the performance of their
9 official duties responding to a civil or military
10 emergency, or natural or human caused disaster. As used in
11 this section, "emergency responders" includes any Wyoming:

12

13 (i) Peace officer who has qualified pursuant to
14 W.S. 9-1-701 through 9-1-709;

15

16 (ii) Firefighter, working for a paid or
17 volunteer fire department;

18

19 (iii) Emergency medical technician, certified
20 under W.S. 33-36-110 and working for a private or volunteer
21 ambulance service, but not including employees of
22 industrial ambulance services except when responding to
23 assist in an emergency or disaster specified in this
24 subsection.

1

2 (b) The department of health shall promulgate rules
3 and regulations to implement this section, no later than
4 November 1, 2006.

5

6 (c) Notwithstanding W.S. 9-4-207, funds appropriated
7 under this section shall not lapse or revert to the general
8 fund at the end of the biennium and shall remain in a
9 bereavement account established by the department of health
10 until disbursed by the department for the purposes
11 specified in this section. Any interest earned on the
12 funds in the account shall remain in the account until
13 disbursed by the department for the purposes specified in
14 this section.

15

16 **Section 6. Regional pilot projects.**

17

18 (a) The department of health may enter into not more
19 than two (2) separate contracts for pilot projects within
20 the state to enhance acute psychiatric services within
21 regions it shall designate. The department of health, in
22 consultation with the mental health division and the
23 substance abuse division, shall designate the regions of
24 the state. The contracts shall be entered into after

1 competitive bidding. The contracts shall include
2 assurances that:

3

4 (i) At least one (1) psychiatrist and other
5 appropriate allied health care providers are available
6 within the region to provide acute psychiatric services. If
7 no psychiatrist practices within the region, the
8 contracting provider will be responsible for the hiring of
9 a psychiatrist before full funding associated with the
10 acute psychiatric services under the contract is disbursed
11 by the department;

12

13 (ii) Transportation shall be available for
14 clients to and from the treatment facility;

15

16 (iii) Services shall be provided, as necessary,
17 to enable clients to transition back into the community or
18 to another more appropriate facility;

19

20 (iv) Outcome measurements shall be developed and
21 the outcomes documented, with due consideration of clients'
22 privacy.

23

1 (b) Contracts under this section shall not be entered
2 into unless and until the department:

3

4 (i) Adopts rules designating authorized treatment
5 hospitals under W.S. 25-10-104;

6

7 (ii) Ensures that it shall pay the costs of
8 transportation to the contracted acute psychiatric care
9 facilities; and

10

11 (iii) Has developed and made available a
12 voluntary training program for primary care physicians,
13 mental health workers and allied health care providers to
14 develop and enhance systems of care that can provide acute
15 psychiatric care throughout the state.

16

17 (c) There is appropriated two million eight hundred
18 three thousand one hundred dollars (\$2,803,100.00), or as
19 much thereof as is necessary, from the general fund to the
20 department of health, mental health division, for the
21 biennium beginning July 1, 2006, to implement the purposes
22 of this section.

23

1 (d) The department may commence the solicitation of
2 potential contractors under this section through requests
3 for proposals immediately.

4
5 (e) Subsection (d) of this subsection is effective
6 immediately upon completion of all acts necessary for a
7 bill to become law as provided by Article 4, Section 8 of
8 the Wyoming Constitution.

9

10 **Section 7. Involuntary commitment transportation.**

11

12 (a) There is appropriated two hundred thirty thousand
13 four hundred ninety-six dollars (\$230,496.00), or as much
14 thereof as is necessary, from the general fund to the
15 Wyoming state hospital, for the biennium beginning July 1,
16 2006. The appropriation under this subsection shall be used
17 only to pay the costs associated with transporting persons
18 involuntarily committed under W.S. 25-10-110 to the Wyoming
19 state hospital and back to the person's community or
20 another location within the state at the person's request
21 that is consistent with the patient's discharge plan, upon
22 release from the state hospital, or to pay the costs of air
23 transportation of such involuntarily committed persons and

1 necessary staff, upon circumstances deemed appropriate by
2 the administrator of the state hospital.

3
4 (b) The Wyoming state hospital is authorized two (2)
5 full-time equivalent positions for the biennium beginning
6 July 1, 2006, to implement the purposes of this section.

7
8 **Section 8. Mental health consumer services.**

9
10 There is appropriated five hundred thousand dollars
11 (\$500,000.00) from the general fund to the department of
12 health, mental health division, for the biennium beginning
13 July 1, 2006, to contract with providers of consumer
14 information and referral services within the state. The
15 funds shall be used only for information, referral,
16 outreach and education services for consumers of mental
17 health services and their families. Funds appropriated
18 under this section shall not be used for lobbying purposes
19 before the legislature or the United States Congress.

20
21 **Section 9. Mental health statewide system**
22 **improvements.**

1 (a) There is appropriated four million four hundred
2 thirteen thousand dollars (\$4,413,000.00), or as much
3 thereof as is necessary, from the general fund to the
4 department of health, mental health division, for the
5 biennium beginning July 1, 2006, to implement statewide
6 mental health system improvements. The appropriation under
7 this section shall only be expended by the department as
8 follows:

9
10 (i) Not more than two million six hundred eighty-
11 eight thousand dollars (\$2,688,000.00) shall be for
12 contracts between the mental health division and community
13 mental health centers, exclusively to enhance the
14 availability of psychiatric services within the respective
15 regions designated by the division, that are provided by
16 psychiatrists, advanced practice registered nurses with
17 specialties in psychiatric care and physician assistants
18 who are supervised by psychiatrists;

19
20 (ii) Not more than four hundred twenty thousand
21 dollars (\$420,000.00) for recruitment of psychiatrists,
22 advanced nurse practitioners with specialties in
23 psychiatric care and physician assistants who are
24 supervised by psychiatrists;

1

2 (iii) Not more than one million three hundred
3 five thousand dollars (\$1,305,000.00) to increase early
4 intervention training and referral programs to identify and
5 serve children with at-risk behavioral or mental health
6 problems.

7

8 **Section 10. Mental health outcomes development/data**
9 **infrastructure.**

10

11 (a) There is appropriated nine hundred forty-eight
12 thousand three hundred dollars (\$948,300.00), or as much
13 thereof as is necessary, from the general fund to the
14 department of health, mental health division, for the
15 biennium beginning July 1, 2006, to develop and enhance an
16 outcomes development and data infrastructure system. The
17 funds under this section shall be used as follows:

18

19 (i) Seven hundred eighty-four thousand dollars
20 (\$784,000.00) shall be for salaries and benefits for seven
21 (7) full-time equivalent employees who shall be employees
22 of the mental health division and who shall work jointly
23 with the substance abuse division for purposes of data
24 research, analysis, performance measurement and quality

1 improvement of services provided by community mental health
2 or substance abuse centers under contract with the
3 department;

4

5 (ii) One hundred thirty-five thousand eight
6 hundred dollars (\$135,800.00) shall be for regional and
7 statewide training and travel;

8

9 (iii) Twenty thousand one hundred dollars
10 (\$20,100.00) shall be for purchase of computer equipment;
11 and

12

13 (iv) Eight thousand four hundred dollars
14 (\$8,400.00) shall be for telecommunications expenses.

15

16 (b) The department of health, mental health division,
17 is authorized seven (7) additional full-time equivalent
18 positions for the biennium beginning July 1, 2006, for
19 purposes of this section.

20

21 (c) The department of health, mental health division,
22 shall expend the appropriation under this section to
23 establish a statewide quality improvement program which
24 will systematically monitor the effectiveness, efficiency,

1 appropriateness and quality of mental health care and
2 services. The department of health, mental health
3 division, shall negotiate with service providers specific
4 system performance measures and client outcome measures
5 utilized on the statewide quality improvement program, to
6 include, but not be limited to, access to and quality of
7 core and regional services, changes in employment and
8 residential status of clients, and cost effectiveness of
9 services. Quality improvement reports shall be provided to
10 the joint appropriations interim committee and the joint
11 labor, health and social services interim committee no
12 later than October 1 of each year, beginning October 1,
13 2007.

14

15 **Section 11. Mental health crisis stabilization.**

16

17 There is appropriated six million two hundred ten thousand
18 six hundred twenty-four dollars (\$6,210,624.00), or as much
19 thereof as is necessary, from the general fund to the
20 department of health, mental health division, for the
21 biennium beginning July 1, 2006, to develop or enhance
22 mental health crisis stabilization at each of the regions
23 designated by the department. The funds under this section

1 shall be distributed under contracts competitively bid
2 within each of the regions designated by the department.

3

4 **Section 12. Substance abuse funding.**

5

6 (a) There is appropriated thirty-four million five
7 hundred three thousand three hundred ninety-five dollars
8 (\$34,503,395.00), or as much thereof as is necessary, from
9 the general fund to the department of health, substance
10 abuse division, for the biennium beginning July 1, 2006, to
11 continue, restructure and build the following programs with
12 the funds specified:

13

14 (i) Not more than eight million dollars
15 (\$8,000,000.00) to continue the methamphetamine initiative
16 authorized under 2005 Wyoming Session Laws, Chapter 245;

17

18 (ii) Not more than twenty-one million one hundred
19 sixty-six thousand one hundred seventy-three dollars
20 (\$21,166,173.00) to expand residential and outpatient
21 services and increase all reimbursable unit-of-service
22 rates by approximately fifteen percent (15%) and to
23 continue residential substance abuse services for children,

1 adolescents and women previously funded with Temporary
2 Assistance to Needy Families Act (TANF) bonus monies;

3
4 (iii) Not more than eight hundred seventy-seven
5 thousand two hundred twenty-two dollars (\$877,222.00) to
6 develop and enhance substance abuse treatment services data
7 collection;

8
9 (iv) Not more than four million four hundred
10 sixty thousand dollars (\$4,460,000.00) to develop and
11 enhance social detoxification services, medications and
12 other medical needs related to detoxification services.

13
14 (b) There is appropriated seven million five hundred
15 eighty-three thousand three hundred thirty dollars
16 (\$7,583,330.00), or as much thereof as is necessary, from
17 the tobacco settlement income account to the department of
18 health, substance abuse division, for the biennium
19 beginning July 1, 2006, to continue, restructure and build
20 programs as follows:

21
22 (i) Not more than three million five hundred
23 sixty-two thousand six hundred forty dollars
24 (\$3,562,640.00) to continue and support the Wyoming quit

1 tobacco program for the prevention and cessation of tobacco
2 use;

3

4 (ii) Not more than four million twenty thousand
5 six hundred ninety dollars (\$4,020,690.00) to continue and
6 support system enhancements for the drug court program.

7

8 **Section 13. Psychiatric residency rotations planning.**

9

10 (a) Not later than October 1, 2006, the University of
11 Wyoming shall submit a plan to the select committee on
12 mental health and substance abuse services under which
13 residents being trained in psychiatric residencies operated
14 in other states will perform a psychiatric rotation within
15 the state of Wyoming. The purpose of the plan and budget
16 will be to provide exposure for psychiatrists in training
17 to the opportunities for practice within Wyoming and also
18 to enhance the availability of mental health services
19 within the state. In developing the plan and the budget,
20 the university shall consult with providers of mental
21 health services in Wyoming and the Wyoming department of
22 health. The plan and proposed budget shall recommend a
23 structure for placement of the program within Wyoming state
24 government.

1

2 (b) There is appropriated forty-five thousand dollars
3 (\$45,000.00) from the general fund to the University of
4 Wyoming for professional services, travel and other
5 expenses associated with the development of the plan
6 required under this section.

7

8 (c) This section is effective immediately upon
9 completion of all acts necessary for a bill to become law
10 as provided by Article 4, Section 8 of the Wyoming
11 Constitution.

12

13 **Section 14. Select committee on mental health and**
14 **substance abuse services**

15

16 (a) There is appropriated from the general fund to
17 the legislative service office seventy-five thousand dollars
18 (\$75,000.00) to be used for the select committee on mental
19 health and substance abuse services created by 2005 Wyoming
20 Session Laws, Chapter 195, to continue the study of issues
21 and propose legislation to provide more cost effective and
22 accessible delivery of mental health and substance abuse
23 services as provided in 2005 Wyoming Session Laws, Chapter
24 195.

1

(b) The committee shall meet as necessary and shall report to the joint appropriations interim committee, the joint labor, health and social services interim committee and the joint judiciary interim committee its findings and recommendations no later than November 1, 2006.

7

8 (c) This section is effective immediately upon
9 completion of all acts necessary for a bill to become law
10 as provided by Article 4, Section 8 of the Wyoming
11 Constitution.

12

13 **Section 15.** Except as otherwise provided in this act,
14 this act is effective July 1, 2006.

15

16 (END)