

HOUSE BILL NO. HB0216

Veterans skilled nursing center.

Sponsored by: Representative(s) Berger, Barlow, Burkhart,
Harvey, Jennings, Kasperik, Patton and
Throne and Senator(s) Burns, Coe, Kinskey
and Von Flatern

A BILL

for

1 AN ACT relating to veterans; creating a new skilled nursing
2 center for veterans and their spouses; providing for
3 nonveterans to be admitted to the center if occupancy is
4 below a certain level as specified; providing for
5 administration and operation of the center as specified;
6 authorizing the receipt and expenditure of funds as
7 specified; establishing a fund; requiring a report;
8 providing rulemaking authority; authorizing a position;
9 providing appropriations; providing for recapture of the
10 appropriation; and providing for an effective date.

11

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

13

1 **Section 1.** W.S. 25-14-101 through 25-14-106 are
2 created to read:

3

4

CHAPTER 14

5

WYOMING VETERANS' SKILLED NURSING CENTER

6

7

8

**25-14-101. Purpose; admission of veterans and
veterans' spouses.**

9

10 (a) Except as provided in W.S. 9-2-106(d) and
11 25-14-102, the veterans' skilled nursing center is created
12 for the care and treatment of:

13

14 (i) Honorably discharged veterans of the armed
15 forces of the United States; and

16

17 (ii) Members of the state national guard
18 disabled while on duty.

19

20 (b) Persons qualifying under subsection (a) of this
21 section shall also be persons who by reason of wounds,
22 disease, old age or other infirmities are in need of

1 skilled nursing care as determined by rules promulgated by
2 the department of health.

3
4 (c) The department of health may admit a spouse of
5 the persons described in subsection (a) of this section,
6 and who meet the requirements of subsection (b) of this
7 section, pursuant to rules promulgated by the department in
8 accordance with W.S. 9-2-106(d). The rules shall provide
9 admission requirements which do not jeopardize the center's
10 or any veteran's qualification to receive federal financial
11 aid during a veteran's admission to the center.

12
13 **25-14-102. When nonveterans permitted admission;**
14 **preference to veterans and veterans' spouses.**

15
16 (a) The department of health may admit persons to the
17 center who are not veterans or spouses of veterans for care
18 and treatment if:

19
20 (i) The center has less than ninety percent
21 (90%) occupancy and there are no pending applications
22 submitted by veterans or veterans' spouses;

1 (ii) By reason of wounds, disease, old age or
2 other infirmities, the persons are in need of skilled
3 nursing care as determined by rules promulgated by the
4 department;

5

6 (iii) The persons have been domiciled in this
7 state for at least five (5) years next preceding their
8 application for admission to the center; and

9

10 (iv) The persons are admitted pursuant to rules
11 and regulations promulgated in accordance with W.S.
12 9-2-106(d). The rules shall provide admission requirements
13 which do not jeopardize the center's or any veteran's
14 qualification to receive federal financial aid during a
15 veteran's admission to the center.

16

17 (b) In all cases veterans and spouses of veterans
18 shall be given preference of admission.

19

20 **25-14-103. Services for residents; administration.**

21

22 (a) The department of health shall, by contract or
23 otherwise:

1

2 (i) Provide skilled nursing care in a skilled
3 nursing facility for residents of the veterans' skilled
4 nursing center in accordance with the federal Social
5 Security Act and the federal medicare and medicaid
6 regulations;

7

8 (ii) Provide a place for burial and bury or
9 cremate the remains of deceased residents of the veterans'
10 skilled nursing center;

11

12 (iii) Provide other care as required under
13 authority of the director pursuant to W.S. 9-2-106(d).

14

15 (b) The department shall contract with a private
16 nonprofit organization to provide day-to-day operations of
17 the veterans' skilled nursing center. The contract shall
18 provide for a monthly management fee as determined by the
19 department.

20

21 (c) Any contract awarded under this section shall be
22 awarded on the basis of competitive bids. Selection shall
23 be based upon costs, background and relevant experience,

1 expected performance and other criteria as determined by
2 the department.

3
4 **25-14-104. Charges for care.**

5
6 Residents shall pay for services provided under this
7 chapter according to rules promulgated by the department of
8 health. Payments under this section shall be set at
9 amounts to ensure that appropriate services are provided at
10 the center, as required by this chapter.

11
12 **25-14-105. Acceptance of donations.**

13
14 The department may accept on behalf of the state donations
15 of lands, money or other property for the benefit of the
16 center. The department of health shall consider accepting
17 a private donation of land to be used for the construction
18 and maintenance of the veterans' skilled nursing center.

19
20 **25-14-106. Disposition, receipt and expenditure of**
21 **monies received; reports.**

1 (a) The department may accept state, federal, local
2 and nongovernmental funds for the purposes of this chapter
3 provided the conditions on receipt of the funds are not
4 inconsistent with this chapter.

5
6 (b) Notwithstanding W.S. 9-4-303(a), the department
7 shall deposit all monies and income received and collected
8 by the Wyoming veterans' skilled nursing center into a
9 special revenue fund. The department may use monies from
10 this fund to pay the costs of operating and maintaining the
11 veterans' skilled nursing center. Monies existing after
12 costs and maintenance are paid shall be paid to the omnibus
13 permanent land fund until such time as the total,
14 unreverted, initial legislative appropriation pursuant to
15 this act is recaptured. However, no payment to the omnibus
16 permanent land fund in any one (1) year shall be required
17 to exceed an amount which is equal to the total,
18 unreverted, initial legislative appropriation made pursuant
19 to this act divided by eight (8).

20
21 (c) On or before September 1 of each year, the
22 department shall report to the joint appropriations interim
23 committee and joint transportation, highways and military

1 affairs interim committee the total amounts repaid to the
2 omnibus permanent land fund under subsection (b) of this
3 section.

4

5 **Section 2.** W.S. 9-2-106(d), 23-2-207(a)(ii) and
6 25-1-201(a) by creating a new paragraph (xv) are amended to
7 read:

8

9 **9-2-106. Duties and powers of director of department.**

10

11 (d) The director may authorize the Wyoming life
12 resource center, the Wyoming state hospital, the Wyoming
13 pioneer home, the veterans' home of Wyoming, ~~and~~ the
14 Wyoming retirement center and the Wyoming veterans' skilled
15 nursing center to provide services to persons with
16 conditions other than those specified in the provisions
17 governing those state institutions in title 25 of the
18 Wyoming statutes when the director determines that there is
19 a need for such services, that the services can be provided
20 effectively by the institution, that the services shall be
21 delivered in a manner that assures the safety of all
22 individuals served by the institution and the services
23 provided are statutorily authorized for any of these

1 institutions, the service needs are similar to those
2 authorized for any of these institutions or the services
3 are necessary to protect the public health and safety. The
4 director shall promulgate rules and regulations and
5 policies and procedures necessary to implement this
6 subsection. Nothing in this subsection shall be construed
7 to authorize the director to eliminate services that are
8 otherwise required by statute.

9

10 **23-2-207. Special limited fishing permit for**
11 **hospitalized veterans, residents of state institutions,**
12 **court placed children and residents of licensed nursing**
13 **care facilities; students.**

14

15 (a) Upon an appropriate form furnished by the
16 appropriate institution or facility as prescribed by rule
17 and regulation of the commission, a special limited fishing
18 permit may be issued without charge by:

19

20 (ii) The department of health or the department
21 of family services to any resident in the veterans' home of
22 Wyoming, Wyoming veterans' skilled nursing center, Wyoming
23 state hospital, Wyoming life resource center, Wyoming boys'

1 school and the Wyoming girls' school, which entitles the
2 institutionalized resident to fish while under the direct
3 supervision of the appropriate institution;

4
5 **25-1-201. Establishment of state institutions.**

6
7 (a) The following state institutions are established:

8
9 (xv) The Wyoming veterans' skilled nursing
10 center.

11
12 **Section 3.** The department of health is authorized one
13 (1) additional full-time permanent position for the
14 veterans' skilled nursing center. The department of health
15 shall include this position authorization and necessary
16 funding for the position in its 2017-2018 standard budget
17 request.

18
19 **Section 4.**

20
21 (a) There is appropriated three million five hundred
22 ten thousand dollars (\$3,510,000.00) from the omnibus
23 permanent land fund to the department of administration and

1 information. Of the funds appropriated under this
2 subsection:

3
4 (i) No more than three million one hundred
5 fifteen thousand dollars (\$3,115,000.00) shall be expended
6 for the purpose of purchasing land for, constructing,
7 administering the construction of, furnishing and
8 equipping, site work for and landscaping of the veterans'
9 skilled nursing center required by this act;

10

11 (ii) No more than three hundred ninety-five
12 thousand dollars (\$395,000.00) shall be expended for the
13 purpose of construction contingency costs for the veterans'
14 skilled nursing center required by this act.

15

16 (b) For the period beginning with the effective date
17 of this act through June 30, 2016, there is appropriated up
18 to seventy-five thousand dollars (\$75,000.00) from the
19 general fund to the department of health to fund the full-
20 time permanent position authorized in section 3 of this
21 act. Notwithstanding any other provision of law, this
22 appropriation shall not be transferred or expended for any
23 other purpose. The department shall not fill this position

1 until three (3) months prior to substantial construction
2 completion or at such time as required for the receipt of
3 federal funds, whichever is earlier. Any unobligated,
4 unexpended funds shall revert as provided by law on June
5 30, 2016.

(c) Notwithstanding any other provision of law, funds appropriated in subsection (a) of this section, shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from this appropriation shall revert back to the omnibus permanent land fund no later than three (3) months after construction completion of the veteran's skilled nursing center.

5 **Section 4.** This act is effective July 1, 2015.

7 (END)