

SENATE FILE NO. SF0031

Veterans' skilled nursing center.

Sponsored by: Joint Transportation, Highways & Military
Affairs Interim Committee

A BILL

for

1 AN ACT relating to veterans; providing for a skilled
2 nursing center for veterans and their spouses; authorizing
3 study, planning, design, construction and operations;
4 specifying that nonveterans may be admitted to the center;
5 designating administration and operation requirements;
6 authorizing a position under specified conditions;
7 authorizing a loan; providing for repayment of the loan;
8 allowing acceptance of donations and monies; establishing
9 an account; providing for rulemaking; providing conforming
10 amendments; requiring reporting; and providing for an
11 effective date.

12

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

14

15 **Section 1.** W.S. 25-14-101 through 25-14-107 are
16 created to read:

1

2

CHAPTER 14

3

WYOMING VETERANS' SKILLED NURSING CENTER

4

5

6

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

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(a) The veterans' skilled nursing center is created
for the community living, care and treatment of individuals
who due to wounds, disease, old age or other infirmities
need skilled nursing care as determined by department of
health rules and who are:

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(i) Honorably discharged veterans of the armed
forces of the United States; or

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

(b) The department of health may admit a spouse of a
person who qualifies under subsection (a) of this section,
pursuant to rules the department promulgates in accordance
with W.S. 9-2-106(d) and 25-14-107.

1

2 (c) In addition to subsections (a) and (b) of this
3 section, the veterans' skilled nursing center shall comply
4 with United States department of veterans affairs rules for
5 capacity guidelines for number of beds and populations
6 served.

7

8 **25-14-102. Admission of "gold star" nonveterans.**

9

10 (a) The department of health may admit persons to the
11 veterans' skilled nursing center who are not veterans or
12 spouses of veterans under W.S. 25-14-101 for care and
13 treatment if:

14

15 (i) The persons are qualifying dependents or the
16 parents of United States military personnel who died while
17 in service or who died as a result of their service as
18 provided by statute, rule or regulation of the United
19 States department of veterans affairs; and

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21 (ii) The persons are admitted pursuant to rules
22 and regulations promulgated in accordance with W.S.
23 9-2-106(d) and 25-14-107.

1

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

4

5 **25-14-103. Services for residents; administration.**

6

7 (a) The department of health shall, by contract or
8 otherwise:

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10 (i) Provide skilled nursing care in the
11 veterans' skilled nursing center for residents in
12 accordance with the federal Social Security Act and the
13 federal medicare and medicaid regulations;

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15 (ii) Upon construction completion, appoint one
16 (1) department of health employee to oversee federal and
17 state requirements applicable to the veterans' skilled
18 nursing center;

19

20 (iii) Provide other care as required under
21 authority of the director of the department of health
22 pursuant to W.S. 9-2-106(d).

23

1 (b) The department of health may contract with an
2 organization to provide day-to-day operations and
3 administrative management of the veterans' skilled nursing
4 center. The contract may provide for a monthly management
5 fee as the department of health determines. The contract
6 for operations and administrative management may be in
7 accordance with the best practices of a "green house" look
8 alike community living concept and in compliance with state
9 and federal regulations.

10
11 (c) Any contract awarded under this section shall be
12 awarded based on competitive bids with consideration given
13 to private nonprofit organizations operating in Wyoming at
14 the time of the bid. Selection shall be based on costs,
15 background and relevant experience, expected performance
16 and other criteria as determined by the department of
17 health.

18
19 (d) The state construction department shall, by
20 contract or otherwise provide for the maintenance of the
21 veterans' skilled nursing center. The department of health
22 shall advise the state construction department of any

1 extraordinary need or requirement for the maintenance of
2 the veterans' skilled nursing center.

3

4 **25-14-104. Payments for care.**

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6 Residents shall pay for services provided under this
7 chapter according to department of health rules. Payments
8 shall be set at amounts to ensure that appropriate services
9 are provided at the veterans' skilled nursing center, as
10 required by this chapter, and shall be consistent with
11 requirements for grant in aid payment of United States
12 department of veterans affairs per diem payments.

13

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

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16 The department of health, veterans' commission or state
17 construction department may accept on behalf of the state
18 donations of lands, money or other property for the
19 construction, maintenance or other benefit of the veterans'
20 skilled nursing center.

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22 **25-14-106. Disposition, receipt and expenditure of**
23 **monies received.**

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2 (a) The department of health and the veterans'
3 commission may accept state, federal, local and
4 nongovernmental funds for the purposes of this chapter
5 provided any condition on receipt of the funds is not
6 inconsistent with this chapter.

7

8 (b) There is created the veterans' skilled nursing
9 special revenue account. Notwithstanding W.S. 9-4-303(a),
10 the department of health, veterans' commission and state
11 construction department shall deposit all monies and income
12 received and collected by or for the Wyoming veterans'
13 skilled nursing center into the account. Monies from this
14 account may be used to pay the costs of design and
15 planning, construction, operation and maintenance of the
16 veterans' skilled nursing center. If the veterans' skilled
17 nursing center is sold, all proceeds after meeting any
18 federal obligations shall be deposited in the legislative
19 stabilization reserve account.

20

21 **25-14-107. Rules and regulations.**

22

1 The department of health shall promulgate rules necessary
2 to carry out the provisions of this chapter. The rules
3 shall provide admission requirements that do not jeopardize
4 the veterans' skilled nursing center's or any veteran's
5 qualifications to receive federal financial aid during
6 admission to the veterans' skilled nursing center.

7

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

11

12 **9-2-106. Duties and powers of director of department.**

13

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

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

12

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

17

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

22

1 (ii) The department of health or the department
2 of family services to any resident in the veterans' home of
3 Wyoming, Wyoming veterans' skilled nursing center, Wyoming
4 state hospital, Wyoming life resource center, Wyoming boys'
5 school and the Wyoming girls' school, which entitles the
6 institutionalized resident to fish while under the direct
7 supervision of the appropriate institution;

8
9 **25-1-201. Establishment of state institutions.**

10
11 (a) The following state institutions are established:

12
13 (xv) The Wyoming veterans' skilled nursing
14 center.

15
16 **Section 3.** From its currently authorized positions
17 the department of health shall designate one (1) full-time
18 position to oversee for the veterans' commission the
19 planning, design and construction of the veterans' skilled
20 nursing center, to coordinate with all local, state and
21 federal entities involved, and to create, apply for and
22 manage all documentation required for all relevant grants
23 including any grant from the United States department of

1 veterans affairs, and shall be assisted by the veterans'
2 commission. This designation shall continue until such time
3 as the construction of the skilled nursing center is
4 complete and the final grant close out with the United
5 States department of veterans affairs is submitted,
6 whichever occurs later. At that time, the department of
7 health is authorized a position, if requested and necessary
8 due to location or provisions of federal law, for the
9 management of the veterans' skilled nursing center.

10
11 **Section 4.**

12
13 (a) The veterans' skilled nursing center project
14 shall be designed and constructed according to a "green
15 house" look alike concept for alternative elder care and
16 according to procedures of the state building commission
17 under W.S. 9-5-108. The veterans' commission and department
18 of health, through the state building commission, are
19 authorized to conduct all activities necessary to design,
20 plan, fund and contract for a veterans' skilled nursing
21 center, pursuant to level I, II and III planning and design
22 as authorized in this section.

1 (b) The state building commission shall conduct
2 limited level I/II and III planning and design for a
3 veterans' skilled nursing center, which process shall be
4 accelerated by using information from existing studies,
5 reports and plans identified in subsection (e) of this
6 section and obtaining any necessary additional information
7 as it determines necessary. The state building commission
8 shall use the services of the veterans' commission,
9 department of health and state construction department, to
10 the extent necessary to develop findings, strategies,
11 recommendations and plans for the veterans' skilled nursing
12 center including the center's:

13

14 (i) Mission;

15

16 (ii) Use and operations, including staffing
17 requirements;

18

19 (iii) Populations served;

20

21 (iv) Services offered;

22

1 (v) Number of beds, consistent with United
2 States department of veterans affairs requirements;

3
4 (vi) Capital construction requirements;

5
6 (vii) Site and location;

7
8 (viii) Design;

9
10 (ix) Costs and financing, including federal
11 funding, public-private, public-political-subdivision
12 partnerships and any funding that may be available to those
13 entities; and

14
15 (x) Timeline for construction.

16
17 (c) The veterans' commission and department of health
18 shall provide assistance to the state building commission
19 and construction management division necessary to assure
20 that the veterans' skilled nursing center is planned,
21 designed and ultimately constructed and operated in a
22 manner that considers impacts on available federal funding.
23 The state building commission, using services of the

1 veterans' commission, department of health and state
2 construction department, shall apply as necessary to obtain
3 federal funding for the veterans' skilled nursing center.
4

5 (d) The state building commission and state
6 construction department may enter into contracts and retain
7 experts as necessary to complete the study, design,
8 planning, funding and construction of the veterans' skilled
9 nursing center as authorized by this section. The state
10 building commission and the state construction department
11 shall keep the veterans' commission and the department of
12 health informed of all contracting activities. No contract
13 authorized under this subsection shall be executed without
14 the approval of the governor.
15

16 (e) The state building commission in consultation
17 with the veterans' commission and the department of health
18 shall develop limited level I/II and III planning and
19 design authorized under this subsection maximizing the
20 information of past studies, reports and materials
21 including:
22

1 (i) Financial Model for Wyoming Veterans Skilled
2 Nursing Center, Wyoming Military Department, dated October
3 6, 2017 and the information accompanying the report;

4
5 (ii) Wyoming Veterans' State Home: Needs
6 Analysis, Wyoming Department of Health, dated September 22,
7 2017;

8
9 (iii) Facility Master Plan, Department of
10 Health, pages 1 through 30 and 99 through 129, dated
11 November 14, 2013;

12
13 (iv) Wyoming Department of Health: Veterans'
14 Home of Wyoming, Management Audit Committee Evaluation,
15 November 16, 2011;

16
17 (v) An Examination of the Long-term Care
18 Infrastructure for Veterans in Wyoming, Veterans Long-term
19 Care Study Group, 2005;

20
21 (vi) The following documents produced by and on
22 file with the legislative service office:

23

1 (A) October 12, 2011 Issue Brief, Issues
2 for Implementation of Green House Living Cottages to
3 Provide Long-Term Skilled Nursing Care for Veterans;
4

5 (B) October 12, 2011 Research Memo, General
6 State and Veteran Long-Term Care Demand;
7

8 (C) October 12, 2011 Fact Sheet, Aging of
9 Wyoming Citizens and Veterans;
10

11 (D) April 25, 2017 Issue Brief, Joint
12 Transportation, Highways and Military Affairs interim
13 topic: Veterans' Skilled Nursing Home.
14

15 (f) The state building commission in consultation
16 with the veterans' commission and the department of health
17 shall report on limited level I/II and III planning and
18 design authorized under this section not later than August
19 1, 2018 to the joint transportation, highways and military
20 affairs interim committee and the joint appropriations
21 committee.
22

1 (g) Not later than September 1 of each year until
2 completion of construction, the veterans' commission and
3 department of health shall recommend to the joint
4 transportation, highways and military affairs interim
5 committee any additional legislative action necessary to
6 complete the project.

7
8 (h) Construction of the veterans' skilled nursing
9 center project shall not begin until the United States
10 department of veterans affairs approves construction plans,
11 if required, and not until the state construction
12 department, veterans' commission and department of health
13 approve final plans for construction of the center.

14

15 **Section 5.**

16

17 (a) The state construction department through the
18 veterans' commission and the department of health is
19 authorized to borrow from the legislative stabilization
20 reserve account or any other account selected by the state
21 treasurer up to five million dollars (\$5,000,000.00) or up
22 to thirty-five percent (35%) of the actual development
23 costs for a facility with the number of beds authorized by

1 the United States department of veterans affairs, whichever
2 is less, for limited level I/II and III planning and
3 design, permit procurement, project land procurement,
4 construction engineering and ultimate construction and
5 operations of a veterans' skilled nursing center. Amounts
6 borrowed under this subsection shall be deposited in the
7 veterans' skilled nursing special revenue account. The
8 department of health shall repay amounts borrowed under
9 this subsection from operations revenue deposited to the
10 veterans' skilled nursing special revenue account.
11 Repayment of the amounts borrowed under this subsection
12 shall occur annually on June 30, after costs and
13 maintenance for the center are paid until the total loan
14 amount is amortized, which shall not be later than fifteen
15 (15) years from the date of construction completion of the
16 veterans' skilled nursing center or as required for receipt
17 of federal funds, whichever is earlier. Interest charged on
18 the amounts borrowed under this subsection shall be at a
19 rate equal to the average interest earned on pooled
20 investments of state funds in the four (4) calendar
21 quarters preceding the quarter in which the loan occurred.
22

(b) The director of the state construction department shall report to the joint appropriations committee and the joint transportation, highways and military affairs interim committee within thirty (30) days of exercise of the loan authority under subsection (a) of this section. On or before September 1 of each year, the state construction department through the veterans' commission and department of health shall report to the joint appropriations committee and joint transportation, highways and military affairs interim committee the total amounts repaid to the legislative stabilization reserve account.

13 **Section 6.** This act is effective immediately upon
14 completion of all acts necessary for a bill to become law
15 as provided by Article 4, Section 8 of the Wyoming
16 Constitution.

18 (END)