

## HOUSE BILL NO. HB0082

Veterans' skilled nursing facility.

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

## A BILL

for

1 AN ACT relating to veterans; establishing a skilled nursing  
2 facility for veterans and their spouses; specifying that  
3 nonveterans may be admitted to the facility; designating  
4 administration and operation requirements; authorizing level  
5 III design, construction and operation plans and  
6 construction; authorizing application for and spending of  
7 federal funding; authorizing a loan; providing for a  
8 continuous appropriation; providing for repayment of the  
9 loan; allowing acceptance of donations and monies;  
10 establishing an account; providing for rulemaking; requiring  
11 reporting; and providing for an effective date.

12

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

14

1       **Section 1.** W.S. 25-14-101 through 25-14-105 are created  
2 to read:

3  
4                                   CHAPTER 14

5                   WYOMING VETERANS' SKILLED NURSING FACILITY  
6

7       **25-14-101. Purpose; admission of veterans and veterans'**  
8 **spouses; admission of "gold star" nonveterans; preference to**  
9 **veterans and veterans' spouses; capacity.**

10  
11       (a) The Wyoming veterans' skilled nursing facility is  
12 created to provide veterans with skilled nursing benefits  
13 across multiple levels of need. The skilled nursing facility  
14 shall provide community living, care and treatment for  
15 individuals who, due to wounds, disease, old age or other  
16 infirmities as determined by department of health rules, need  
17 safety net care because they cannot be served in private  
18 facilities, skilled nursing care or subsidized long-term care  
19 benefits and who are:

20  
21               (i) Honorably discharged veterans of the armed  
22 forces of the United States; or  
23

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

3

4           (b) The department of health may admit to the Wyoming  
5 veterans' skilled nursing facility a spouse of a person who  
6 qualifies under subsection (a) of this section, pursuant to  
7 rules or orders the department promulgates in accordance with  
8 W.S. 9-2-106(d) or 25-14-105.

9

10          (c) The department of health may admit persons to the  
11 Wyoming veterans' skilled nursing facility for care and  
12 treatment who are not qualifying veterans or spouses of  
13 veterans under subsection (a) or (b) of this section if:

14

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

20

21           (ii) The persons are admitted pursuant to rules or  
22 orders promulgated in accordance with W.S. 9-2-106(d) or  
23 25-14-105.

1

2 (d) Veterans and spouses of veterans qualified for  
3 admission under subsections (a) and (b) of this section shall  
4 be given preference of admission in all circumstances.

5

6 (e) In addition to subsections (a) through (d) of this  
7 section, the veterans' skilled nursing facility shall comply  
8 with United States department of veterans affairs rules  
9 regarding capacity guidelines, number of beds and populations  
10 served.

11

12 **25-14-102. Veterans' skilled nursing facility account;**  
13 **disposition, receipt and expenditure of monies received;**  
14 **acceptance of funding and donations.**

15

16 (a) There is created the veterans' skilled nursing  
17 facility special revenue account. Notwithstanding  
18 W.S. 9-4-303(a), the department of health, veterans'  
19 commission and state construction department shall deposit  
20 all monies and income received and collected by or for the  
21 Wyoming veterans' skilled nursing facility into the account.  
22 Monies in this account are continuously appropriated to pay  
23 the costs of design and planning, construction, operation,

1 loan repayment and maintenance of the veterans' skilled  
2 nursing facility.

3

4 (b) The department of health on behalf of the state may  
5 accept:

6

7 (i) State, federal, local and nongovernmental  
8 funds for the purposes of this chapter provided that any  
9 condition on receipt of the funds is not inconsistent with  
10 this chapter;

11

12 (ii) Donations of land, money or other property  
13 for the construction, maintenance or other benefit of the  
14 veterans' skilled nursing facility.

15

16 **25-14-103. Services for residents; administration;**  
17 **facility operation.**

18

19 (a) The department of health shall, by contract or  
20 otherwise:

21

22 (i) Provide skilled nursing care in the veterans'  
23 skilled nursing facility in accordance with the federal

1 Social Security Act and the federal Medicare and Medicaid  
2 regulations and United States department of veterans affairs  
3 requirements;

4  
5 (ii) Appoint one (1) department of health employee  
6 to oversee federal and state requirements applicable to the  
7 veterans' skilled nursing facility;

8  
9 (iii) Provide other care as required under  
10 authority of the director of the department of health pursuant  
11 to W.S. 9-2-106(d).

12  
13 (b) The department of health may contract with an  
14 organization to provide day-to-day operation and  
15 administrative management of the veterans' skilled nursing  
16 facility. The contract may provide for a monthly management  
17 fee as the department of health determines. The contract for  
18 operations and administrative management shall be in  
19 accordance with the best practices of a "green house" model  
20 community living concept and shall comply with state and  
21 federal law and regulations.

22  
23 **25-14-104. Payments for care.**

1

2 Residents shall pay for services provided under this chapter  
3 according to department of health rules. Payments shall be  
4 set at amounts to ensure that appropriate services are  
5 provided at the veterans' skilled nursing facility, as  
6 required by this chapter, and shall be consistent with  
7 requirements for grant in aid payments from the United States  
8 department of veterans affairs.

9

10 **25-14-105. Promulgation of rules.**

11

12 The department of health shall promulgate rules necessary to  
13 carry out this chapter. The rules shall provide admission  
14 requirements that do not jeopardize the veterans' skilled  
15 nursing facility's, or any veteran's, qualifications to  
16 receive federal financial aid during admission to the  
17 veterans' skilled nursing facility.

18

19 **Section 2.** W.S. 9-2-106(d) and 25-1-201(a) by creating  
20 a new paragraph (xv) are amended to read:

21

22 **9-2-106. Duties and powers of director of department.**

23

1           (d) The director may authorize the Wyoming life  
2 resource center, the Wyoming state hospital, the Wyoming  
3 pioneer home, the veterans' home of Wyoming, ~~and the Wyoming~~  
4 retirement center and the Wyoming veterans' skilled nursing  
5 facility to provide services to persons with conditions other  
6 than those specified in the provisions governing those state  
7 institutions in title 25 of the Wyoming statutes when the  
8 director determines that there is a need for such services,  
9 that the services can be provided effectively by the  
10 institution, that the services shall be delivered in a manner  
11 that assures the safety of all individuals served by the  
12 institution and the services provided are statutorily  
13 authorized for any of these institutions, the service needs  
14 are similar to those authorized for any of these institutions  
15 or the services are necessary to protect the public health  
16 and safety. The director shall promulgate rules and  
17 regulations and policies and procedures necessary to  
18 implement this subsection. Nothing in this subsection shall  
19 be construed to authorize the director to eliminate services  
20 that are otherwise required by statute.

21

22           **25-1-201. Establishment of state institutions.**

23



1           (a) The following state institutions are established:

2

3                   (xv) The Wyoming veterans' skilled nursing  
4 facility at Buffalo, Wyoming.

5

6           **Section 3.** From its currently authorized positions, the  
7 department of health shall designate one (1) full-time  
8 position to oversee for, and with the assistance of, the  
9 veterans' commission, the planning, design and construction  
10 of the veterans' skilled nursing facility. The designated  
11 employee shall additionally coordinate with all local, state  
12 and federal entities involved in the project, and shall  
13 create, apply for and manage all documentation required for  
14 all relevant grants, including grants from the United States  
15 department of veterans affairs. This designation shall  
16 continue until the construction of the Wyoming veterans'  
17 skilled nursing facility is complete and the final grant  
18 closeout requirements from the United States department of  
19 veterans affairs are accepted. At that time, if necessary due  
20 to location or provisions of federal law, the department of  
21 health shall include in its budget request submitted under  
22 W.S. 9-2-103 for the ensuing budget period a request for any

1 additional position, for the management of the veterans'  
2 skilled nursing facility.

3

4 **Section 4.**

5

6 (a) Based on the level I and level II studies for a  
7 veterans' skilled nursing facility initiated pursuant to 2018  
8 Wyoming Session Laws, Chapter 48, the state building  
9 commission, through the state construction department and  
10 with assistance from the veterans' commission and the  
11 department of health, is authorized to contract for the  
12 completion of level III design, construction and operation  
13 planning for a veterans' skilled nursing facility to be  
14 located at Buffalo, Wyoming. The facility shall have the  
15 number of patient beds as directed by the state building  
16 commission in consultation with the state construction  
17 department, veterans' commission and department of health,  
18 but not exceeding the number of beds authorized by the United  
19 States department of veterans' affairs. No contract shall be  
20 executed without the approval of the governor. The veterans'  
21 skilled nursing facility shall be designed, planned,  
22 constructed and operated according to a "green house" model  
23 concept for alternative elder care. Subject to subsection (e)

1 of this section, upon approval of level III design,  
2 construction and operation planning by the state building  
3 commission, the state construction department shall be  
4 authorized to construct the veterans' skilled nursing  
5 facility according to this act and the level III plans.

6  
7 (b) The veterans' commission and department of health  
8 shall provide assistance to the state building commission and  
9 the state construction department necessary to assure that  
10 the veterans' skilled nursing facility is planned, designed  
11 and ultimately constructed and operated in a manner that  
12 considers impacts on available federal funding. The state  
13 building commission or its designee, using services of the  
14 veterans' commission, department of health and state  
15 construction department, shall apply as necessary to obtain  
16 federal funding for the veterans' skilled nursing facility,  
17 including but not limited to applying for a United States  
18 department of veterans affairs "State Home Grant."

19  
20 (c) The state building commission and the state  
21 construction department shall keep the veterans' commission  
22 and the department of health informed of all contracting  
23 activities.

1

2 (d) Reporting each year shall include:

3

4 (i) Quarterly, from the effective date of this act  
5 through completion of the veterans' skilled nursing  
6 facility's construction, by the state construction  
7 department, with the veterans' commission and department of  
8 health, submitting a report to the joint transportation,  
9 highways and military affairs interim committee on the level  
10 III design, construction and operation planning, construction  
11 contracting, construction and related implementation  
12 authorized under this act;

13

14 (ii) Quarterly, from completion of the veterans'  
15 skilled nursing facility's construction through the first  
16 three (3) years of the facility's operation, by the department  
17 of health, with the veterans' commission, submitting a report  
18 to the joint transportation, highways and military affairs  
19 interim committee on the facility operation and related  
20 implementation authorized under this act; and

21

22 (iii) Not later than September 1 from the  
23 effective date of this act until completion of the

1 construction authorized by this act, by the department of  
2 health, with the veterans' commission, recommending to the  
3 joint transportation, highways and military affairs interim  
4 committee any additional legislative action necessary.

5  
6 (e) Construction of the veterans' skilled nursing  
7 facility project shall not begin until the United States  
8 department of veterans affairs approves construction plans,  
9 if required.

10  
11 **Section 5.**

12  
13 (a) For the purposes of planning and constructing a  
14 veterans' skilled nursing facility, as authorized by this  
15 act, the state construction department is authorized to  
16 borrow from the legislative stabilization reserve account up  
17 to nine million dollars (\$9,000,000.00). The total loan  
18 amount shall not exceed thirty-five percent (35%) of the  
19 actual planning and construction costs. Amounts borrowed  
20 under this subsection shall be deposited in the veterans'  
21 skilled nursing special revenue account. The department of  
22 health shall repay, with interest, amounts borrowed under  
23 this subsection, from operations revenue deposited to the

1 veterans' skilled nursing special revenue account once the  
2 facility is operating. Loan repayment under this subsection  
3 shall begin once construction of the Wyoming veterans'  
4 skilled nursing facility is completed and the facility is  
5 occupied. Loan repayments to the state shall occur annually  
6 on June 30, after costs and maintenance for the facility are  
7 paid, until the total loan amount is repaid. Repayment shall  
8 be completed not later than fifteen (15) years from the date  
9 construction of the Wyoming veterans' skilled nursing  
10 facility is completed and the facility is occupied. Interest  
11 charged on the amounts borrowed under this subsection shall  
12 be at a rate equal to the average interest earned on pooled  
13 investments of state funds in the four (4) calendar quarters  
14 preceding the quarter in which the loan occurred.

15

16 (b) The director of the state construction department  
17 shall submit a report to the joint appropriations committee  
18 and the joint transportation, highways and military affairs  
19 interim committee within thirty (30) days of exercising the  
20 loan authority granted under this section. On or before  
21 September 1 of each year, the department of health shall  
22 submit a report to the joint appropriations committee and  
23 joint transportation, highways and military affairs interim

1 committee the total amounts repaid to the legislative  
2 stabilization reserve account or appropriate account.

3

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

7

8

(END)