

ENROLLED ACT NO. 104, HOUSE OF REPRESENTATIVES

SIXTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING  
2019 GENERAL SESSION

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

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

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

CHAPTER 14  
WYOMING VETERANS' SKILLED NURSING FACILITY

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

(a) The Wyoming veterans' skilled nursing facility is created to provide veterans with skilled nursing benefits across multiple levels of need. The skilled nursing facility shall provide community living, care and treatment for individuals who, due to wounds, disease, old age or other infirmities as determined by department of health rules, need safety net care because they cannot be served in private facilities, skilled nursing care or subsidized long-term care benefits 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 to the Wyoming veterans' skilled nursing facility a spouse of a person who qualifies under subsection (a) of this section, pursuant to rules or orders the department promulgates in accordance with W.S. 9-2-106(d) or 25-14-105.

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

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

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

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

(e) In addition to subsections (a) through (d) of this section, the veterans' skilled nursing facility shall comply with United States department of veterans affairs rules

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regarding capacity guidelines, number of beds and populations served.

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

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

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

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

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

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

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

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(i) Provide skilled nursing care in the veterans' skilled nursing facility in accordance with the federal Social Security Act and the federal Medicare and Medicaid regulations and United States department of veterans affairs requirements;

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

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

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

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

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

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

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

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

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

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

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

(a) The following state institutions are established:

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

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

**Section 4.**

(a) Based on the level I and level II studies for a veterans' skilled nursing facility initiated pursuant to 2018 Wyoming Session Laws, Chapter 48, the state building commission, through the state construction department and with assistance from the veterans' commission and the department of health, is authorized to contract for the

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completion of level III design, construction and operation planning for a veterans' skilled nursing facility to be located at Buffalo, Wyoming. The facility shall have the number of patient beds as directed by the state building commission in consultation with the state construction department, veterans' commission and department of health, but not exceeding the number of beds authorized by the United States department of veterans' affairs. No contract shall be executed without the approval of the governor. The veterans' skilled nursing facility shall be designed, planned, constructed and operated according to a "green house" model concept for alternative elder care. Subject to subsection (e) of this section, upon approval of level III design, construction and operation planning by the state building commission, the state construction department shall be authorized to construct the veterans' skilled nursing facility according to this act and the level III plans.

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

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

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(d) Reporting each year shall include:

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

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

(iii) Not later than September 1 from the effective date of this act until completion of the construction authorized by this act, by the department of health, with the veterans' commission, recommending to the joint transportation, highways and military affairs interim committee any additional legislative action necessary.

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

**Section 5.**



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(a) For the purposes of planning and constructing a veterans' skilled nursing facility, as authorized by this act, the state construction department is authorized to borrow from the legislative stabilization reserve account up to nine million dollars (\$9,000,000.00). The total loan amount shall not exceed thirty-five percent (35%) of the actual planning and construction costs. Amounts borrowed under this subsection shall be deposited in the veterans' skilled nursing special revenue account. The department of health shall repay, with interest, amounts borrowed under this subsection, from operations revenue deposited to the veterans' skilled nursing special revenue account once the facility is operating. Loan repayment under this subsection shall begin once construction of the Wyoming veterans' skilled nursing facility is completed and the facility is occupied. Loan repayments to the state shall occur annually on June 30, after costs and maintenance for the facility are paid, until the total loan amount is repaid. Repayment shall be completed not later than fifteen (15) years from the date construction of the Wyoming veterans' skilled nursing facility is completed and the facility is occupied. Interest charged on the amounts borrowed under this subsection shall be at a rate equal to the average interest earned on pooled investments of state funds in the four (4) calendar quarters preceding the quarter in which the loan occurred.

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

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

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

(END)

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Speaker of the House

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Governor

TIME APPROVED: \_\_\_\_\_

DATE APPROVED: \_\_\_\_\_

I hereby certify that this act originated in the House.

\_\_\_\_\_  
Chief Clerk