

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

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

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(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:

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

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.

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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.

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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

1 the costs of design and planning, construction, operation and
2 maintenance of the veterans' skilled nursing facility.

3

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

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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.**

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

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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 may be in accordance
19 with the best practices of a "green house" model community
20 living concept and shall comply with state and federal law
21 and regulations.

22

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

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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.**

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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.

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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:

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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.**

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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.**

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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."

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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:

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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.

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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.**

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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.

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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.

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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)