

HOUSE BILL NO. HB0059

Health care-statutory compliance.

Sponsored by: Joint Labor, Health & Social Services Interim Committee

A BILL

for

1 AN ACT relating to health care; amending the child health  
2 insurance program as specified; specifying that the  
3 department of health shall administer a state supplemental  
4 security income program; providing definitions; specifying  
5 where an application for medical assistance may be filed;  
6 specifying that the department of health shall administer  
7 claims against an estate for medical assistance provided  
8 through Medicaid; repealing provisions related to the  
9 qualification of parents and guardians for child health  
10 insurance program benefits; and providing for an effective  
11 date.

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

14

1           **Section 1.** W.S. 35-25-102(a)(iv), 35-25-104,  
2 35-25-107(a)(intro) and (c), 42-1-101(a)(ii), 42-2-103(d),  
3 42-2-401(a) by creating a new paragraph (vi), 42-4-106(a)  
4 and 42-4-206(a)(intro), (b) and (f) are amended to read:

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6           **35-25-102. Definitions.**

7

8           (a) As used in this act:

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10                   (iv) "Private health insurance" means an  
11 individual insurance policy or contract for the purpose of  
12 paying for or reimbursing the cost of dental, hospital and  
13 medical care;

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15           **35-25-104. Private insurance program benefits.**

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17 A child eligible for services under this act shall receive  
18 benefits developed by the health benefits committee  
19 established under W.S. 35-25-105 that include cost sharing  
20 factors, not to exceed the maximum allowable under Public  
21 Law 105-33, exclusions and limitations. The benefit  
22 package, conforming to the requirements of minimum  
23 essential coverage under the Patient Protection and

1 Affordable Care Act, 42 U.S.C. § 18022(b), shall include,  
2 at a minimum, inpatient and outpatient hospital services,  
3 physician services, laboratory and x-ray services,  
4 well-baby and well-child care including age appropriate  
5 immunizations and the additional services of prescription  
6 drug coverage, vision coverage and dental coverage which  
7 will include preventive and basic services developed by the  
8 health benefits committee.

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10 **35-25-107. Program expenditures; monitoring;**  
11 **recommendations; required action to limit expenditures to**  
12 **budget available.**

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14 (a) The department shall project monthly expenditures  
15 under this act each month through the end of the biennium  
16 based upon the level of activity for the previous months  
17 and the trend in expenditures compared to previous  
18 expenditures. ~~If the projections indicate that expenditures~~  
19 ~~may exceed the federal and state funds available under this~~  
20 ~~act, the department, may, by rule and regulation and~~  
21 ~~subject to availability of funds, limit participation in~~  
22 ~~the program under this section as follows:~~ The department

1 may consider cost containment actions having no adverse  
2 effect on eligibility standards, methods and procedures.

3  
4 (c) The funding for the child health insurance  
5 program shall be deemed to be included within the ~~community~~  
6 ~~and family health~~ division of health care financing line  
7 item within the department of health budget unless a  
8 separate line item is provided in the budget bill. General  
9 fund expenditures for the child health program shall not  
10 exceed the amount needed to match federal funds without  
11 explicit authorization enacted in the budget bill.

12  
13 **42-1-101. Definitions; generally.**

14  
15 (a) As used in this title:

16  
17 (ii) "Department" means the department of family  
18 services unless otherwise specified;

19  
20 **42-2-103. Provision of assistance and services;**  
21 **duties of department; burial assistance; state supplemental**  
22 **security income program.**

1           (d) The department of health shall administer a state  
2 supplemental security income program entitling any  
3 individual receiving payments under the federal  
4 supplemental security income program with no other income  
5 during any one (1) calendar month, to a payment for each  
6 month the condition exists. The monthly payment under this  
7 subsection shall be established by the legislature within  
8 the ~~department's~~ department of family service's biennial  
9 budget appropriation, which shall not be less than the  
10 required payment under applicable federal law.

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12           **42-2-401. Definitions.**

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14           (a) For purposes of this article:

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16                       (vi) "Department" means the department of health  
17 unless otherwise specified.

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19           **42-4-106. Application for assistance; determination**  
20 **of eligibility; assignment of benefits; resources and**  
21 **income allowances defined for institutionalized spouse.**

22

1           (a) Any Wyoming resident may apply for medical  
2 assistance under this chapter by filing an application ~~with~~  
3 ~~the~~ by telephone, by mail, in person at the eligibility  
4 customer service center in Cheyenne, on the eligibility  
5 internet site or at a department of family services field  
6 office located in the county in which the individual  
7 resides. A determination of eligibility for medical  
8 assistance shall be based upon the application. Medical  
9 assistance shall be provided on behalf of a qualified  
10 applicant with reasonable promptness.

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12           **42-4-206. Claims against estates.**

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14           (a) If an individual receives any medical assistance  
15 pursuant to this chapter, upon the individual's death, if  
16 single, or upon the death of the survivor of a married  
17 couple, either of whom received medical assistance, the  
18 total amount paid for medical assistance rendered for the  
19 individual or the spouse shall be filed by the department  
20 of health as a claim against the estate of the individual  
21 or the estate of the surviving spouse in the court having  
22 jurisdiction to probate the estate. A claim shall be filed

1 if medical assistance was rendered for either person under  
2 one (1) of the following circumstances:

3

4 (b) The claim shall be considered an expense of the  
5 last illness of the decedent. Any statute of limitations  
6 which attempts to limit the department of health to recover  
7 for medical assistance provided pursuant to this chapter  
8 shall not apply to any claim made under this section for  
9 reimbursement for the medical assistance.

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11 (f) The department of ~~family services~~ health shall  
12 establish procedures, in accordance with standards  
13 specified by the secretary of health and human services,  
14 under which the department of health shall waive the  
15 application of this section if application would work an  
16 undue hardship on the basis of criteria established by the  
17 secretary.

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19 **Section 2.** W.S. 35-25-107(a)(i) and (ii) and  
20 35-25-111 are repealed.

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