

SENATE FILE NO. SF0142

Community mental health-payment reform 2.

Sponsored by: Senator(s) Scott and Peterson and Representative(s) Barlow

A BILL

for

1 AN ACT relating to community mental health and substance
2 use services; requiring the creation of a contract program
3 for mental health and substance use treatment programs to
4 reduce the demand for involuntary commitments; authorizing
5 the expenditure of funds appropriated for involuntary
6 commitments for program operation as specified; authorizing
7 the department of health to enter into contracts for
8 operation of the program as specified; specifying funding
9 conditions; authorizing rulemaking; requiring the alignment
10 of service definitions; requiring annual reports; requiring
11 benefit qualification investigations by the state hospital
12 and designated hospitals; specifying behavior health
13 services as Medicaid covered services; amending eligibility
14 provisions concerning department of health contracts with
15 private agencies; prohibiting fees to clients for

1 gatekeeping services as specified; and providing for an
2 effective date.

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

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6 **Section 1.** W.S. 9-2-128 and 25-10-129 are created to
7 read:

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9 **9-2-128. Mental health and substance use treatment**
10 **programs; programs to reduce involuntary commitment.**

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12 (a) The department shall develop a contract program
13 to incentivize mental health and substance use treatment
14 programs to reduce the need for involuntary commitments to
15 the state hospital by encouraging the performance of the
16 following functions:

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18 (i) Performing gatekeeping functions in the
19 involuntary commitment process under title 25, chapter 10
20 of the Wyoming statutes;

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22 (ii) Preventing psychiatric hospitalization
23 through diversion;

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(iii) Promoting competitive and integrated employment;

(iv) Providing or providing assistance in obtaining:

(A) Short term or crisis housing;

(B) Long term housing for indigent or nearly indigent clients, including assistance with deposits, initial period rent, minimum essential furnishings and supplies and other initial costs related to establishing long term housing;

(C) Other needed welfare services for which the client is eligible;

(D) Prescription drugs or financial assistance for prescription drugs, as determined by the department to be necessary to prevent hospitalization;

1 (E) Behavioral health services, including
2 intensive outpatient mental health treatment services.

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4 (v) Monitoring clients to the extent appropriate
5 to obtain compliance with taking medications as prescribed;

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7 (vi) Cooperating with the state hospital and
8 designated hospitals to develop and implement client
9 discharge plans; and

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11 (vii) Paying insurance premiums on behalf of
12 clients when making the payment will result in health
13 insurance coverage that is likely to save state resources
14 by paying for or preventing costs the state is likely to
15 otherwise incur.

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17 (b) To implement subsection (a) of this section, the
18 department may expend on contracts with mental health and
19 substance use treatment programs up to twenty-five percent
20 (25%) of the funds appropriated by the legislature to the
21 department for involuntary commitments under title 25 of
22 Wyoming statutes, plus any other funds the department may
23 transfer under existing law for that purpose. The

1 department shall require each mental health and substance
2 use treatment program to provide additional services to its
3 clients equivalent in value to fifty percent (50%) of the
4 funds expended pursuant to subsection (a) of this section.

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6 (c) For the duration of the budget covered by the
7 biennial appropriations bill or a supplemental
8 appropriations bill, those bills may alter the expenditure
9 limitation established by subsection (b) of this section.

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11 (d) The department may promulgate rules and
12 regulations for mental health and substance use treatment
13 programs requiring them to implement the reforms authorized
14 by this section. The rules shall allow the department to
15 negotiate with individual programs and providers and enter
16 into different or separate agreements with programs and
17 providers to reflect local circumstances and needs and to
18 accommodate each program's or provider's capabilities. The
19 rules shall allow the department to contract for any of the
20 services authorized by subsection (a) of this section on a
21 per person basis. The rules also shall allow services
22 under subsection (a) of this section to be specified and

1 negotiated with a mental health and substance use treatment
2 program for inclusion in a hospital discharge plan.

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4 (e) The department shall align service definitions
5 used by Medicaid and state funded mental health and
6 substance use treatment programs as necessary to comply
7 with this section and to promote this section's effective
8 operation.

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10 (f) The department shall make a report by November 1
11 of each year through 2019 to the joint labor, health and
12 social services interim committee, and to the joint
13 appropriations committee if requested by that committee,
14 regarding the status of the reform required by this
15 section. The 2017 report may include, and subsequent
16 reports shall include, an evaluation of the reform's
17 impacts on populations served and other systems affected by
18 the reform.

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20 (g) No funding shall be distributed or repurposed
21 pursuant to this section until July 1, 2017.

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1 **25-10-129. Benefit qualification investigations at**
2 **discharge; rulemaking.**

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4 The department shall promulgate rules requiring the state
5 hospital and other hospitals designated under this chapter
6 to make reasonable efforts to investigate a patient's
7 eligibility for Medicaid benefits prior to the patient's
8 discharge. If an investigation reveals that a patient may
9 qualify to receive Medicaid benefits, the rules shall
10 require the hospital to inform the patient of his potential
11 qualification and to provide reasonable assistance designed
12 to cause the patient to be enrolled in the Medicaid program
13 prior to or immediately following his discharge. The rules
14 shall adopt similar requirements for qualification
15 investigations concerning other welfare programs reasonably
16 likely to provide benefits which decrease a patient's
17 likelihood of mental illness.

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19 **Section 2.** W.S. 35-1-624(a)(v) and 42-4-103(a)(xx)
20 are amended to read:

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22 **35-1-624. Contracts with private agencies;**
23 **eligibility.**

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2 (a) To be eligible to contract with the department, a
3 private agency shall:

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5 (v) Charge clients fees at a rate comparable to
6 the uniform schedule of fees for services that have been
7 promulgated by the division. Private agencies may charge a
8 reasonable fee for those services not covered in the
9 division's uniform fee schedule. No fees shall be charged
10 for gatekeeping services provided pursuant to title 25,
11 chapter 10, article 1 of the Wyoming statutes.

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13 **42-4-103. Authorized services and supplies.**

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15 (a) Services and supplies authorized for medical
16 assistance under this chapter include:

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18 (xx) Services provided by a certified mental
19 health center or community substance abuse treatment
20 center; mental health services provided to qualified
21 recipients by a licensed physician or under the direction
22 of a physician if an individual treatment plan is
23 established in writing, approved and periodically reviewed

1 by a licensed physician; services provided by a licensed
2 mental health professional. Authorized services shall
3 include services provided by a person holding a provisional
4 license as a mental health professional if the services
5 were provided under the supervision of a licensed mental
6 health professional; behavioral health services including
7 intensive outpatient mental health treatment services. The
8 department of health shall by rule and regulation or within
9 the state plan for medical assistance and services, define
10 those services qualifying as mental health services under
11 this paragraph and, pursuant to W.S. 9-2-102, establish
12 standards for certification under this paragraph. As used
13 in this paragraph "licensed mental health professional"
14 means a licensed professional counselor, a licensed
15 marriage and family therapist, a licensed addictions
16 therapist or a licensed clinical social worker;

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18 **Section 3.** This act is effective immediately upon
19 completion of all acts necessary for a bill to become law
20 as provided by Article 4, Section 8 of the Wyoming
21 Constitution.

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(END)