

ENROLLED ACT NO. 90, SENATE

SIXTY-THIRD LEGISLATURE OF THE STATE OF WYOMING
2015 GENERAL SESSION

AN ACT relating to public health; providing for payments to acute care hospitals for uncompensated charity care as specified; providing definitions; creating a grant program for uncompensated charity care as specified; creating an account; providing an appropriation; providing a sunset date; and providing for an effective date.

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

Section 1.

(a) As used in this section:

(i) "Acute care hospital" means a hospital licensed in Wyoming pursuant to W.S. 35-2-901 through 35-2-911, including critical access hospitals that meet the requirements of the federal Centers for Medicare and Medicaid Services to be designated as a critical access hospital, and which provides acute patient care but excluding those hospitals that do not operate a full-time emergency room or that do not accept Medicaid patients;

(ii) "Department" means the Wyoming department of health;

(iii) "Uncompensated charity care" means hospital care that an individual cannot reasonably be expected to pay for due to poverty. The department in administering this section shall use the definition of uncompensated charity care used by the federal government in preparing the Medicare cost report.

(b) The uncompensated charity care account is established. The account shall be administered by the department. Funds in the account shall be distributed on a

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quarterly basis to acute care hospitals in the state to reduce hospitals' costs for uncompensated charity care.

(c) The department shall promulgate rules and regulations to administer the fund. The rules and regulations shall include provisions for:

(i) Ensuring that reimbursements do not exceed available funds;

(ii) Limiting reimbursement to the necessary support of the poor;

(iii) Preventing duplication between distributions from the account and proceeds from Medicaid or other third party payors;

(iv) Providing for hospital reports and distributions for uncompensated charity care beginning July 1, 2015. In calculating its uncompensated charity care each hospital shall use the cost-to-charge ratio in its most recent Medicare cost report.

(d) The department may contract with a fiscal agent to make the actual payments and conduct any necessary audits or distribution requests. Distribution requests shall be made in a form and manner prescribed by the department. The department or its agent on its behalf may request any documentation it deems necessary to support any request for reimbursement.

(e) Each acute care hospital shall report to the department for each fiscal year the total cost of uncompensated charity care based on audited and settled cost reports from the most recent settled year.

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(f) The department shall limit hospitals' distributions for uncompensated charity care as provided in this section. The department shall coordinate distributions from the uncompensated charity care account to assure that, in any calendar year, two-thirds (2/3) of distributions shall be to critical access hospitals that meet the requirements of the federal Centers for Medicare and Medicaid Services to be designated as a critical access hospital and one-third (1/3) of distributions shall be to prospective payment system acute care hospitals. The department shall calculate each hospital's fractional share of the total uncompensated charity care as shown in the most recent audited and settled Medicare cost report as of June 1, 2015. A hospital's distribution shall not exceed the available appropriated funds, multiplied by that hospital's fractional share of the total charity care.

(g) The state auditor shall establish a grant program for any hospital having twenty-five (25) or fewer beds, that can demonstrate it provides uncompensated charity care, and that can demonstrate for the period July 1, 2014 through December 31, 2014 the hospital did not have cash reserves sufficient to cover one hundred (100) days of operation. Hospitals licensed under W.S. 35-2-901 through 35-2-911, that qualify under this section shall apply to the state auditor no later than July 30, 2015 to qualify for grant funding under this section based upon their demonstrated charity care costs on June 30, 2015, not to exceed seventy-five percent (75%) reimbursement for their uncompensated charity care or two hundred thousand dollars (\$200,000.00) whichever is less, as determined by the state auditor.

(h) This act is repealed June 30, 2016.

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Section 2.

(a) There is appropriated two million dollars (\$2,000,000.00) from the general fund to the uncompensated charity care account. Notwithstanding any other provision of law, this appropriation shall not be included in the 2017-2018 standard biennial budget. This appropriation shall be expended only as provided in section 1, subsection (f) of this act.

(b) One million dollars (\$1,000,000.00) of general funds remaining from 2007 Wyoming Session Laws, Chapter 217, Section 2(a) on June 30, 2015, shall be reappropriated to the state auditor for the period beginning July 1, 2015 and ending June 30, 2016 to provide grants as provided in section 1, subsection (g) of this act.

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Section 3. This act is effective July 1, 2015.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the Senate.

Chief Clerk