

10

# HOUSE BILL

0398.

**HOUSE BILL 0398**

Introduced by: W. A. Murphy

[illegible]

**CONTINUED ON BACK**

House of Intro  
 To Com. No. \_\_\_\_\_  
 Stand Report Do \_\_\_ Amd \_\_\_ Not \_\_\_  
 Com Whole Do \_\_\_ Amd \_\_\_ Not \_\_\_  
 2nd Reading Amd \_\_\_  
 3rd Reading Amd \_\_\_ Pass \_\_\_ Fail \_\_\_

Second House  
 To Com No. \_\_\_\_\_  
 Stand Report Do \_\_\_ Amd \_\_\_ Not \_\_\_  
 Com Whole Do \_\_\_ Amd \_\_\_ Not \_\_\_  
 2nd Reading Amd \_\_\_  
 3rd Reading Amd \_\_\_ Pass \_\_\_ Fail \_\_\_

## INTRODUCED

1987

STATE OF WYOMING

87LSO-0390.01

HOUSE BILL NO. 0398

Health care data.

Sponsored by: HOUSE LABOR, HEALTH AND SOCIAL SERVICES  
 COMMITTEE

### A BILL

for

1 AN ACT to create W.S. 9-2-116; and to amend W.S. 35-2-801,  
 2 35-2-802(b) and (c), 35-2-803(a)(i) through (v), (b), (c)  
 3 and (e), 35-2-805, 35-2-806 and 35-2-807(b) relating to  
 4 health care data; providing new definitions and amending  
 5 specified existing definitions; specifying criteria;  
 6 establishing a state health policy board; substituting the  
 7 health policy board for the statewide health coordinating  
 8 council as the advisory council for the authority; amend-  
 9 ing specified information requirements; changing the due  
 10 date of the authority's annual report; and providing for  
 11 an effective date.

- 1 -

**NO SIGNIFICANT FISCAL IMPACT**

HB 0398

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

2             Section 1.   W.S. 9-2-116 is created to read:

3             9-2-116. Health policy board.   There is created a  
4 health policy board which shall review and approve the  
5 state health plan. The board consists of seven (7) mem-  
6 bers appointed by the governor. In the initial appoint-  
7 ments, the membership shall be appointed to the extent  
8 possible from the statewide health coordinating council  
9 appointed by the governor under Public Law 93-641 as it  
10 existed on September 30, 1986. In the initial appoint-  
11 ments, four (4) members shall be appointed for four (4)  
12 years and three (3) members for two (2) years. Thereaf-  
13 ter, members shall be appointed for four (4) year terms  
14 from a list of nominees submitted by the director of the  
15 department of health and social services containing twice  
16 the number of vacancies to be filled. Terms shall expire  
17 on March 1 during the year of expiration. A majority of  
18 the members shall be persons who are consumers and not  
19 providers of health care as defined in W.S. 35-2-202.  
20 Except in the initial appointments, one (1) member shall  
21 be appointed from each appointment district under W.S.  
22 9-1-218.

1           Section 2. W.S. 35-2-801, 35-2-802(b) and (c),  
2   35-2-803(a)(i) through (v), (b), (c) and (e), 35-2-805,  
3   35-2-806 and 35-2-807(b) are amended to read:

4           35-2-801. Definitions.

5           (a) As used in this act:

6                   ~~{i}~~(i) "Ambulatory center" means a facility  
7   ~~independent~~ NOT A PART of a hospital and ~~providing diag-~~  
8   ~~nostic or surgical procedures--and--ether~~ WHICH PROVIDES  
9   treatment OR REHABILITATION to patients not requiring hos-  
10   pitalization. THE TERM DOES NOT INCLUDE THE OFFICES OF  
11   PRIVATE PHYSICIANS OR DENTISTS IN INDIVIDUAL OR GROUP  
12   PRACTICE;

13                   ~~{i}~~(ii) "Advisory--council" "BOARD" means the  
14   statewide health ~~coordinating---council~~ POLICY BOARD  
15   appointed by the governor under ~~Public Law-93-641~~ W.S.  
16   9-2-116 to ~~develop~~ REVIEW a comprehensive statewide health  
17   plan and is referred to as the council;

18                   (iii) "Health care facility" means any:

19                           (A) Hospital;

20                           (B) Nursing care or supervised personal  
21   care facility;

1                   (C) Freestanding ambulatory center  
2 offering treatment, rehabilitation and other outpatient  
3 health services;

4                   (D) Health maintenance organization; and

5                   (E) Other ~~provider~~ PROVIDERS of HEALTH  
6 RELATED SERVICES AND alternative health care OR  
7 NONHOSPITAL PROVIDERS.

8                   (iv) "Health maintenance organization" means  
9 any person that undertakes to provide or arrange for basic  
10 health care services to enrollees on a prepaid basis and  
11 may include providing or arranging for:

12                   (A) Physician services directly through  
13 physician employees or under arrangements with individual  
14 physicians or groups of physicians;

15                   (B) Other health care services on a pre-  
16 payment or other financial basis.

17                   (v) "Health services" means clinically related  
18 diagnostic, treatment or rehabilitative services including  
19 alcohol, drug and substance abuse, psychiatric and mental  
20 health services;

1                   (vi) "Hospital" means any institution ~~licensed~~  
2     ~~under--W.S.--35-2-101--through--35-2-112,---35-2-119---and~~  
3     ~~35-2-120,~~ PROVIDING TO PATIENTS, BY OR UNDER THE SUPERVI-  
4     SION OF PHYSICIANS, DIAGNOSTIC SERVICES AND THERAPEUTIC  
5     SERVICES FOR MEDICAL DIAGNOSIS, TREATMENT AND CARE OF  
6     INJURED, DISABLED OR SICK PERSONS OR REHABILITATION SER-  
7     VICES FOR THE REHABILITATION OF INJURED, DISABLED OR SICK  
8     PERSONS AND INCLUDES PSYCHIATRIC AND TUBERCULOSIS  
9     HOSPITALS. "PSYCHIATRIC HOSPITAL" MEANS AN INSTITUTION  
10    WHICH PRIMARILY PROVIDES TO INPATIENTS, BY OR UNDER THE  
11    SUPERVISION OF A PHYSICIAN, SPECIALIZED SERVICES FOR THE  
12    DIAGNOSIS, TREATMENT AND REHABILITATION OF MENTALLY ILL  
13    AND EMOTIONALLY DISTURBED PERSONS. AN INSTITUTION PROVID-  
14    ING REHABILITATION SERVICES IS AN INPATIENT FACILITY WHICH  
15    IS OPERATED FOR THE PRIMARY PURPOSE OF ASSISTING IN THE  
16    REHABILITATION OF DISABLED PERSONS THROUGH AN INTEGRATED  
17    PROGRAM OF MEDICAL AND OTHER SERVICES WHICH ARE PROVIDED  
18    UNDER COMPETENT PROFESSIONAL SUPERVISION;

19                   (vii) "LICENSED PRACTITIONER" MEANS A PERSON  
20    LICENSED TO PROVIDE HEALTH SERVICES;

21                   ~~(vii)~~(viii) "Nursing care facility" means a  
22    facility providing skilled or intermediate nursing care  
23    services, AS HEREAFTER DEFINED;

1                    (A) "INTERMEDIATE CARE FACILITY" MEANS  
2       AN INSTITUTION WHICH PROVIDES, ON A REGULAR BASIS,  
3       HEALTH-RELATED CARE AND SERVICES TO INDIVIDUALS WHO DO NOT  
4       REQUIRE THE DEGREE OF CARE AND TREATMENT WHICH A HOSPITAL  
5       OR SKILLED NURSING FACILITY PROVIDES, BUT WHO BECAUSE OF  
6       THEIR MENTAL OR PHYSICAL CONDITION REQUIRE HEALTH RELATED  
7       CARE AND SERVICES ABOVE THE LEVEL OF ROOM AND BOARD;

8                    (B) "SKILLED NURSING FACILITY" MEANS AN  
9       INSTITUTION OR A DISTINCT PART OF AN INSTITUTION WHICH  
10      PRIMARILY PROVIDES TO INPATIENTS SKILLED NURSING CARE AND  
11      RELATED SERVICES FOR PATIENTS WHO REQUIRE MEDICAL OR NURS-  
12      ING CARE, OR REHABILITATION SERVICES FOR THE REHABILITA-  
13      TION OF INJURED, DISABLED OR SICK PERSONS.

14                    ~~(viii)~~ (ix) "Physician" means a doctor of medi-  
15      cine or osteopathy licensed to practice medicine or sur-  
16      gery under state law;

17                    (x) "PROVIDER OF HEALTH CARE" MEANS A DIRECT  
18      PROVIDER INCLUDING PHYSICIANS, OSTEOPATHS, OTHER LICENSED  
19      MEDICAL PRACTITIONERS, AN INDIVIDUAL PRIMARILY RESPONSIBLE  
20      FOR THE ADMINISTRATION OF A HEALTH CARE FACILITY OR A PER-  
21      SON HOLDING A FIDUCIARY POSITION IN OR RECEIVING MORE THAN  
22      TWENTY PERCENT (20%) OF HIS ANNUAL INCOME FROM:

1                   (A) FEES OR OTHER COMPENSATION FOR  
2 RESEARCH OR INSTRUCTION IN THE PROVISION OF HEALTH CARE;

3                   (B) ISSUING INDIVIDUAL OR GROUP HEALTH  
4 INSURANCE POLICIES OR CONTRACTS OR HOSPITAL OR MEDICAL  
5 SERVICE BENEFITS;

6                   (C) ENTITIES PROVIDING HEALTH CARE OR  
7 RELATED RESEARCH OR INSTRUCTION; OR

8                   (D) ENTITIES PRODUCING DRUGS OR OTHER  
9 ARTICLES FOR INDIVIDUALS OR ENTITIES PROVIDING HEALTH CARE  
10 OR RESEARCH IN THE PROVISION OF HEALTH CARE.

11                   ~~(ix)~~(xi) "State health care data authority"  
12 means the state health planning and development agency  
13 within the division of health and medical services,  
14 department of health and social services, responsible for  
15 comprehensive statewide health planning and development  
16 ~~under--Public-Law-93-641~~ and is referred to as the author-  
17 ity;

18                   ~~(x)~~(xii) "Supervised personal care facility"  
19 means a facility providing personal care and service on a  
20 regular basis to aged, infirm or disabled persons depend-  
21 ent on others to carry out their normal daily activities,



1 regulate their living habits and to protect them from  
2 environmental hazards;

3 ~~(xii)~~(xiii) "This act" means W.S. 35-2-801  
4 through 35-2-807.

5 35-2-802. State health care data authority; estab-  
6 lished; purpose; advisory board established; meetings;  
7 reimbursement; cooperation of specified state agencies.

8 (b) The statewide health ~~coordinating-council~~ POLICY  
9 BOARD appointed by the governor under ~~Public--Law--93-641~~  
10 W.S. 9-2-116 shall serve as an advisory ~~council~~ BOARD to  
11 the authority, and shall review health care data compiled  
12 and disseminated by the authority and shall make recommen-  
13 dations and report as required by this act. The ~~council~~  
14 shall meet at least once every three (3) months and  
15 ~~council~~ members shall receive reimbursement for expenses  
16 incurred in the performance of their duties in the amount  
17 and manner provided state employees.

18 (c) The director of the department of health and  
19 social services and the state insurance commissioner shall  
20 cooperate with the authority and the ~~council~~ BOARD and  
21 provide any information and assistance the authority and  
22 ~~council~~ BOARD may require to carry out the purposes of

1     this act.

2             35-2-803. State health care data authority; duties  
3     with respect to collection and compilation of information;  
4     reporting by data sources; use of existing data sources;  
5     authority to contract; reporting of health care costs;  
6     submission to public.

7             (a) In consultation with the ~~advisory-council~~ BOARD,  
8     the authority may require the department of health and  
9     social services, health care facilities operating in the  
10    state and other appropriate sources to assist in the col-  
11    lection and submission of facility-specific information.  
12    This information may include:

13             (i) Financial ~~information~~ SPECIFIC DATA BASE  
14    ELEMENTS including but not limited to: ~~costs-of-operation,~~  
15    ~~revenues,---assets,---liabilities,---fund--balances,---other~~  
16    ~~income,--rates,--charges,--units-of-service-and-wage-and-sal-~~  
17    ~~ary-data,~~

18                     (A) BALANCE SHEET;

19                     (B) REVENUE AND EXPENSE STATEMENT;

20                     (C) GROSS INPATIENT REVENUE BY PAYOR  
21    CATEGORY;

1                    (D) GROSS OUTPATIENT REVENUE BY PAYOR  
2 CATEGORY;

3                    (E) BUDGET;

4                    (F) CURRENT RATIO;

5                    (G) DEBT TO EQUITY RATIO;

6                    (H) DEBT TO NET ASSETS RATIO.

7                    (ii) Scope and volume of service information  
8 including but not limited to inpatient services, outpa-  
9 tient services and VISITS, ancillary services, ~~by-type--of~~  
10 ~~service--provided~~ HOME HEALTH SERVICES, AMBULANCE SERVICES  
11 AND OTHER DEFINED PATIENT OR OPERATING REVENUE;

12                    (iii) Utilization information AND UNITS OF  
13 SERVICE BY CATEGORY;

14                    (iv) New services ADDED DURING THE REPORT YEAR  
15 and programs proposed for the forthcoming fiscal year;

16                    (v) PATIENT ORIGIN, patient abstract and DIAG-  
17 NOSTIC RELATED VOLUMES AND charge data;

18                    (b) Definitions of data elements, other definitions  
19 required under subsection (a) of this section, specific

1 provider and data source categories and the data sources  
2 shall be developed by rule and regulation of the authority  
3 in consultation with the ~~eeuneit~~ BOARD.

4 (c) Data authorized to be collected under subsection  
5 (a) of this section shall be reported to the authority on  
6 a health care facility-specific basis. The data shall not  
7 be released by the authority until it has been reviewed by  
8 the ~~eeuneit~~ BOARD.

9 (e) To the extent possible, the authority shall  
10 obtain data from current established data sources. After  
11 consultation with the ~~eeuneit~~ BOARD, the authority may  
12 contract for the collection, compilation or distribution  
13 of available data from those sources.

14 35-2-805. Advisory board; duties; study of state  
15 health care; report to governor and legislature.

16 (a) The ~~eeuneit~~ BOARD shall study the state health  
17 care system and based upon data collected and compiled by  
18 the authority, shall make recommendations to the governor  
19 and the legislature on the issues of accessibility, qual-  
20 ity and cost effectiveness of health care for the state.  
21 In its study, the ~~eeuneit~~ BOARD shall also consider the  
22 establishment of a phased hospital rate regulation model

1 for the state based upon threshold levels for increases in  
2 total hospital expenses and gross patient revenues and  
3 minimizing cost shifting between payors.

4 (b) ~~Not later than January 1~~ DURING OCTOBER of each  
5 year, the council shall report available findings and rec-  
6 ommendations on the state health care system pursuant to  
7 subsection (a) of this section to the governor and the  
8 legislature.

9 35-2-806. Confidentiality. The authority and ~~council~~  
10 BOARD shall protect patient confidentiality to prevent the  
11 identification of individual patient records in carrying  
12 out the requirements of this act.

13 35-2-807. Penalty for violation of act; injunction  
14 of operations.

15 (b) Upon request of the authority or the ~~council~~  
16 BOARD, the ~~state~~ attorney general shall initiate an action  
17 for an injunction against any health care facility violat-  
18 ing this act.

1           Section 3. This act is effective immediately upon  
2 completion of all acts necessary for a bill to become law  
3 as provided by Article 4, Section 8 of the Wyoming Consti-  
4 tution.

5 (END)