

CHAPTER 195

ORIGINAL HOUSE
BILL NO. 0065

ENROLLED ACT NO. 128, HOUSE OF REPRESENTATIVES
FIFTY-SECOND LEGISLATURE OF THE STATE OF WYOMING
1993 GENERAL SESSION

AN ACT to create W.S. 35-1-628 relating to public health; providing for statewide respite care services to families with members with developmental disabilities as specified; providing definitions; providing for an appropriation; and providing for an effective date.

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

Section 1. W.S. 35-1-628 is created to read:

35-1-628. Community based respite care services.

(a) The department of health shall develop and administer a statewide program to provide community based respite care services to families with a member age birth to twenty-one (21) years who has developmental disabilities who is not eligible for home and community based waiver services under medicaid. This program shall be designed so as to permit persons with developmental disabilities who are under twenty-one (21) years of age to be cared for by the family to the greatest extent possible. The department in consultation with the governor's planning council on developmental disabilities shall:

(i) Establish criteria for eligibility for respite care services which shall include consideration of:

(A) The family's need for services, including factors such as the demonstrated willingness and ability of family members to provide care and special requirements of the family member with a developmental disability;

(B) Family income;

(C) Family expenses, including those related to care of the individual with a developmental disability;

(D) Reasonable payment by the family for respite

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care services provided.

(ii) By rule and regulation limit the ability of individual eligible families to use the program so that all eligible families are able to use the program without exceeding the appropriation available;

(iii) Promulgate rules and regulations necessary for the administration of the program.

(b) As used in this section:

(i) "Developmental disability" means a severe, chronic disability of a person which is attributable to a mental, emotional or physical impairment or combination of impairments, manifested before the person attains twenty-two (22) years of age, is likely to continue indefinitely and results in substantial functional limitations in three (3) or more of the following areas:

- (A) Self-care;
- (B) Receptive and expressive language;
- (C) Learning;
- (D) Mobility;
- (E) Self-direction;
- (F) Capacity for independent living; and
- (G) Economic self-sufficiency.

(ii) "Respite care" means care of a developmentally disabled person by a competent person, trained to meet the individualized needs of a child who meets the eligibility crite-

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ria of this program, for short periods of time to allow other members of the family reprieve from continuous care.

Section 2. There is appropriated from the general fund to the department of health two hundred fifty thousand dollars (\$250,000.00) to implement this act for the fiscal year beginning July 1, 1993. Not more than ten percent (10%) of this appropriation may be used by the department for administration.

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

(END)

Charles W. Chamberlain
Speaker of the House

J. B. Dwyer
President of the Senate

Jim Sullivan
Governor

TIME APPROVED: 5:45 pm

DATE APPROVED: 3/5/93

I hereby certify that this act originated in the House.

Paul S. Galt
Chief Clerk

