

PUBLIC NOTICE
Intent to Amend Rules
Wyoming Department of Health

Public notice is hereby given that the Wyoming Department of Health proposes to amend rules to comply with the provisions of Wyoming Statute §§ 42-4-104 and 42-4-201 through -208.

Wyoming Medicaid Rules
Chapter 35
Medicaid Benefit Recovery

Wyoming Statute § 42-4-201 through -208 mandates the Department of Health administer a third party liability program and an estate recovery program. This Amended Rule is promulgated in order to reduce the length of the rule, remove redundancies with Wyoming Statutes §§ 42-4-201 through -208, utilize plain language, remove definitions defined in Chapter 1, and no longer reference definitions that are not included in the substantive portion of the rule.

Further, this Amended Rule clarifies the definitions for “reasonable expenses incurred in preserving and disposing of the asset,” “incentive allowance,” and “legal title,” as used for estate recovery purposes. Additionally, the Amended Rule clarifies the “undue hardship waiver” process outlined in Section 12.

Finally, the Wyoming Department of Health also proposes to promulgate changes to Chapter 35 to be compliant with the provisions of Wyoming Statutes §§ 14-2-1001 through -1008 for birthing costs pursuant to its statutory authority in Wyoming Statute § 42-4-122 and House Enrolled Act 59 (Medicaid Fairness Act), passed by the Legislature in the 2018 budget session.

As required by Wyoming Statutes § 16-3-103(a)(i)(G), this proposed rule change meets minimum substantive state statutory requirements.

To obtain a copy of this Amended Rule, contact:

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A public hearing will be held if requested by 25 persons, by a governmental subdivision, or by an association having not less than 25 members.

The Wyoming Department of Health welcomes all comments on the proposed Amended Rule. Any person may urge the Agency not to amend this rule and may request that the Agency state its reasons for overruling the consideration urged against the amendment. Written comments must be submitted to the above address no later than 5 p.m. on December 31, 2018.

Interested parties may request a statement of the Department's position regarding each comment and the action taken as a result of the comments prior to, or within thirty (30) days after the Agency action. Requests must be submitted to the above address. If requested, the statement will be issued by the Department within thirty (30) days after the Agency action.

Dated this 2nd day of November, 2018.

Thomas O. Forslund, Director
Wyoming Department of Health