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BULLETIN

Date: February 6, 2025
To: All Supports and Comprehensive Waiver Agency Providers
From: Elizabeth Forslund, Home and Community-Based Services Section Administrator
Subject: Comprehensive or Supports Waiver Agency Provider Requirements
Ref: EF-2025-B02

As indicated in the Comprehensive and Supports Service Index and corresponding Fee Schedule, the Wyoming Department of Health, Division of Healthcare Financing (Division) offers an enhanced rate for providers that are designated as agencies. This enhanced rate was implemented by the Wyoming Legislature, and was intended to help offset additional program and administrative costs that are incurred during the course of running a larger organization.

At a minimum, and depending on the service provided, an agency provider is currently defined as a provider that employs one or more individuals **other than themselves**. Providers are required to designate themselves as an agency if they intend to bill using the agency rate, and must ensure that they meet the provider qualifications that are established in the Comprehensive and Supports Waiver (DD Waiver) Agreements. In order to hold agency designation, the provider is required to demonstrate the legal payment of employee compensation (e.g., IRS Form W-3, IRS Form 1096, electronic confirmation through a federal Filing Information Returns Electronically (FIRE) submission) in the following situations:

- When the provider submits an application to renew their DD Waiver certification;
- Annually, as part of a task in the Wyoming Health Provider (WHP) portal that attests to the provider's agency status;
- When a provider submits a change form that indicates they assign wages to employees other than themselves, or a new applicant applies to be a DD Waiver agency provider; and
- Upon request from the Division.

If the provider or applicant has not yet reported wages to the IRS, they will be required to submit an explanation that includes the first day they began paying wages, and the date of their first expected IRS filing. During the next attestation period, the Division will review any agency that

did not initially submit evidence of IRS filings to ensure they have reported employee wages to the IRS.

If a provider that has been paid agency rates cannot present evidence that they are meeting the IRS reporting requirements, they will be immediately removed from agency status, and may be subject to adverse action, including required payback of funds and a referral to Program Integrity.

EF/slp