

ORIGINAL SENATE  
FILE NO. SF0060

ENROLLED ACT NO. 42, SENATE

SIXTY-THIRD LEGISLATURE OF THE STATE OF WYOMING  
2016 BUDGET SESSION

AN ACT relating to public health and safety; specifying options for public health nursing cooperation between the state and counties; repealing temporary provisions related to public health nursing; and providing for an effective date.

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

**Section 1.** W.S. 35-1-243 is created to read:

**35-1-243. Public health nursing.**

(a) In exercising its powers and duties under W.S. 35-1-240(a)(xx), the department of health may enter into memoranda of understanding with the several counties separately for the organization, management, delivery and financing of public health nursing and related functions. The county commissioners of each county shall have at least the following choices for organizing public health nursing and related functions:

(i) A partnership memorandum of understanding system;

(ii) A state administered public health nursing system with a county contribution; or

(iii) Subject to the limitation stated in subsection (e) of this section, a system under which the state contracts with a county for the provision of all or a portion of the public health nursing and other public health functions.

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(b) A memorandum of understanding entered into pursuant to this section may:

(i) Specify how the state and county employees will be supervised and disciplined;

(ii) Specify the hours that public health offices will be open and the holidays that will be observed and may require both state and county employees in the public health functions to conform to a common work schedule, which may be different in different counties;

(iii) Specify which resources, including financial and physical resources, will be furnished by the state and which by the county or other local entity;

(iv) Contain any other provisions useful in the organization, management or delivery of public health services.

(c) Any county entering into a memorandum of understanding with the department to provide public health nursing services under the systems specified in paragraph (a)(i) or (ii) of this section shall be allowed to provide services under a different system specified in paragraph (a)(i), (ii) or (iii) of this section at any time on or before July 1, 2018. After July 1, 2018, a county shall not be allowed to change the system under which public health nursing services are provided unless the department consents to the change.

(d) If the commissioners of a county enter into a memorandum of understanding to provide public health nursing services under the system specified in paragraph (a)(ii) of this section, at the request of the

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commissioners of the county, county employee positions assisting in providing public health functions may be transferred to state at-will employee contract positions under W.S. 9-2-1022(a)(xi)(F) or to permanent state positions, provided that the number of positions transferred under this subsection shall not exceed the largest number of public health nursing positions in the county between July 1 and December 31 of the year prior to the transfer. A transfer under this subsection shall mean payment of monies to the department for the purpose of creating a position under W.S. 35-1-243(a)(ii). Any state employee position created shall comply with the state of Wyoming personnel rules. The department may charge an administrative fee and accept county or other local funds to defray the cost of transferred positions as provided in the memorandum of understanding. The funds shall be deposited by the state treasurer in a separate account. The funds in the account are continuously appropriated to the department of health and shall be paid out upon request of the department as provided by law. Positions transferred under this subsection into state permanent positions shall be paid benefits in the same manner and at the same rates as for comparable state employees pursuant to the state of Wyoming compensation policy. The department's authorization for employee positions shall be expanded by operation of law to accommodate all positions transferred to the state under this subsection and shall continue so long as the county that requested the transfers satisfies its obligations under its memorandum of understanding with the department. Upon a county's failure to make all payments required by its memorandum of understanding with the department or upon the county's request, the department shall no longer have any state positions transferred by the county under this subsection and, upon written notice to the transferred employees and the county, shall follow the

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state of Wyoming personnel rules regarding reductions in force. All positions created under this subsection shall be included within the department's standard or supplemental budget request.

(e) Any entity providing public health nursing services under paragraph (a)(i) or (ii) of this section and which maintains a city, county or district board of health under W.S. 35-1-301 through 35-1-309 may enter into a contract with the department to perform public health nursing services under paragraph (a)(iii) of this section pursuant to subsection (c) of this section. This subsection and any contract made pursuant to it shall be operable only for the period for which the department is specifically authorized by law to transfer funds between expenditure series for the purpose of making payments to those entities that operate public health nursing services pursuant to this subsection. The department's authorization for employee positions shall be reduced automatically to correspond with any transfer of funds from a salary expenditure series to a contract series. All contracts made pursuant to this subsection shall be conditioned upon the availability of appropriate funding and the authority to transfer funds as provided in this subsection. A contract made pursuant to this subsection shall provide, with as much specificity as is reasonable and practical given the time available, the services to be performed, the resources and other assistance to be provided by the state and the outcomes expected.

(f) If the commissioners of two (2) or more counties desire to form a joint powers board to manage all or part of the public health functions in the respective counties, the relevant memoranda of understanding may be modified accordingly and may provide for transition to a joint

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powers board upon its creation pursuant to the Wyoming  
Joint Powers Act.

(g) The county commissioners of each county may  
choose for all or a portion of their county to use, for the  
delivery and management of public health nursing and  
related functions, any existing organization which  
currently delivers any or all public health services.

**Section 2.** W.S. 35-1-242 is repealed.

**Section 3.** This act is effective July 1, 2016.

(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