

ORIGINAL SENATE
FILE NO. 0064

ENROLLED ACT NO. 58, SENATE

SIXTY-SECOND LEGISLATURE OF THE STATE OF WYOMING
2014 BUDGET SESSION

AN ACT relating to public health; providing for the division of responsibilities and financial obligations between the state and local governments; providing options for the management of public health nursing responsibilities at the county and other local levels; giving options to county commissioners to choose how to work with the state in organizing public health nursing and related public health functions; providing for a task force; providing for reports; providing a sunset date; providing an appropriation; and providing for an effective date.

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

Section 1. W.S. 35-1-242 is created to read:

35-1-242. Public health nursing.

(a) In exercising its powers and duties under W.S. 35-1-240(a)(xx), the department of health is authorized to enter into memoranda of understanding with the several counties separately for the organization, management, delivery and financing of public health nursing and related functions during the biennium beginning July 1, 2014 and ending June 30, 2016, subject to the following:

(i) The department shall have the authority to terminate or renegotiate the memoranda of understanding before the end of the biennium if subsequent legislation is enacted changing or specifying in more detail the division of responsibilities and financing of public health nursing and related functions;

(ii) The county commissioners of each county may choose for all or a portion of their county to use, for the

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delivery and management of public health nursing and related functions, any existing organization which currently delivers any or all public health services;

(iii) The memoranda of understanding may specify how the state and local employees will be supervised and disciplined;

(iv) The memoranda of understanding may 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;

(v) The memoranda of understanding may specify which resources, including financial and physical resources, will be furnished by the state and which by the county or other local entity;

(vi) A memorandum of understanding may provide, at the request of the commissioners of a county, that 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), provided that the number of positions transferred under this paragraph shall not exceed the largest number of public health nursing positions in the county between July 1, 2012 and December 31, 2013. The department may 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;

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(vii) 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 powers board upon its creation pursuant to the Wyoming Joint Powers Act;

(viii) The memoranda of understanding may contain any other provisions useful in the organization, management or delivery of public health services.

(b) Any county which is not currently receiving state public health nursing assistance in the form of state public health nursing positions assigned to that county may enter into a contract with the state to perform specified public health nursing services. The contract may 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.

(c) In developing the memoranda of understanding, the department shall consider that the state is working toward a system where the county commissioners of each county have at least the following choices for organizing the public health nursing and related public health services for the respective counties:

(i) An enhanced version of the current partnership memorandum of understanding system;

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

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(iii) 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.

(d) This section is repealed effective June 30, 2016.

Section 2. The legislature respectfully requests the Wyoming county commissioners association to organize a task force to include county commissioners, members of the public, representatives of the department of health and other appropriate persons interested in the provision and management of public health services. At times and in forums mutually agreed on with the cochairmen of the joint labor, health and social services interim committee, the task force shall provide recommendations to the committee for legislation governing the provision, management and financing of public health nursing services and related functions. The task force shall make its final recommendations in writing to the joint labor, health and social services interim committee no later than October 1, 2015. The committee shall consider the task force's recommendations, public comment and the impact, to the extent it is known, of federal health reform legislation on the provision of public health nursing and related services in Wyoming. In addition to the three (3) options set forth in W.S. 35-1-242(c), the task force may consider and recommend additional options including hybrid options containing elements of two (2) or more of the options listed above.

Section 3.

(a) There are authorized to the department of health sufficient additional at-will employee contract positions, pursuant to W.S. 9-2-1005(b)(ii), for the 2015-2016 biennium in order to transfer local government public

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health positions to the state pursuant to W.S.
35-1-242(a)(vi).

(b) There is appropriated five hundred thousand dollars (\$500,000.00) from the general fund to the department of health. This appropriation shall be for the period beginning with the effective date of this act and ending June 30, 2016. This appropriation shall only be expended for the purpose of memoranda of understanding pursuant to W.S. 35-1-242 between the department of health and those counties not participating in a state employee public health nursing program as of January 1, 2014. Notwithstanding any other provision of law, this appropriation shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from this appropriation shall revert as provided by law on June 30, 2016. This appropriation shall not be included in the department's 2017-2018 standard biennial budget request.

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Section 4. 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)

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