



Notice of Intent to Adopt Rules

Revised October 2014

1. General Information			
a. Agency/Board Name 014 Miners Hospital Board			
b. Agency/Board Address 2001 W. Lakeway Rd, Ste B		c. City Gillette	d. Zip Code 82718
e. Name of Contact Person Mary Ellen Young		f. Contact Telephone Number 1-866-808-3004	
g. Contact Email Address maryellen.young@wyo.gov			
h. Date of Public Notice 06/18/2015		i. Comment Period Ends 08/06/2015	
j. Program			

2. Rule Type and Information: For each chapter listed, indicate if the rule is New, Amended, or Repealed.

a. If "New," provide the Enrolled Act numbers and years enacted:

b. Provide the Chapter Number, Short Title, and Rule Type of Each Chapter being Created/Amended/Repealed
Please use the Additional Rule Information form for more than 10 chapters, and attach it to this certification.

Chapter Number: 1	Chapter Name: General Provisions	<input type="checkbox"/> New <input checked="" type="checkbox"/> Amended <input type="checkbox"/> Repealed
Chapter Number: 2	Chapter Name: Services for Miners	<input type="checkbox"/> New <input checked="" type="checkbox"/> Amended <input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
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Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed

c. The Statement of Reasons is attached to this Notice and, in compliance with *Tri-State Generation and Transmission Association, Inc. v. Environmental Quality Council*, 590 P.2d 1324 (Wyo. 1979), includes a brief statement of the substance or terms of the rule and the basis and purpose of the rule.

Complete all that apply:

The following chapters do not differ from the uniform rules identified in the Administrative Procedure Act, W.S. 16-3-103(j):
_____ (Provide chapter numbers)

These chapters differ from the uniform rules identified in the Administrative Procedure Act, W.S. 16-3-103(j) (see Statement of Reasons).
_____ (Provide chapter numbers)

N/A These rules are not impacted by the uniform rules identified in the Administrative Procedure Act, W.S. 16-3-103(j).

d. N/A In consultation with the Attorney General's Office, the Agency's Attorney General representative concurs that strike and underscore is not required as the proposed amendments are pervasive (Section 5 of the Rules on Rules).

e. A copy of the proposed rules* may be obtained:
 By contacting the Agency at the physical and/or email address listed in Section 1 above.
 At the following URL: <http://mhb.state.wy.us>

* If Item "d" above is not checked, the proposed rules shall be in strike and underscore format.

3. Public Comments and Hearing Information

a. A public hearing on the proposed rules has been scheduled. Yes No

If "Yes:"	Date:	Time:	City:	Location:

b. What is the manner in which interested persons may present their views on the rulemaking action?

- By submitting written comments to the Agency at the physical and/or email address listed in Section 1 above.
 At the following URL: _____

A public hearing will be held if requested by 25 persons, a government subdivision, or by an association having not less than 25 members. Requests for a public hearing may be submitted:

- To the Agency at the physical and/or email address listed in Section 1 above.
 At the following URL: _____

c. Any person may urge the Agency not to adopt the rules and request the Agency to state its reasons for overruling the consideration urged against adoption. Requests for an agency response must be made prior to, or within thirty (30) days after adoption, of the rule, addressed to the Agency and Contact Person listed in Section 1 above.

4. Federal Law Requirements

a. These rules are created/amended/repealed to comply with federal law or regulatory requirements. Yes No

If "Yes:"	Applicable Federal Law or Regulation Citation:
	Indicate one (1): <input type="checkbox"/> The proposed rules meet, but do not exceed, minimum federal requirements. <input type="checkbox"/> The proposed rules exceed minimum federal requirements.
	Any person wishing to object to the accuracy of any information provided by the Agency under this item should submit their objections prior to final adoption to: <input type="checkbox"/> To the Agency at the physical and/or email address listed in Section 1 above. <input type="checkbox"/> At the following URL: _____

5. State Statutory Requirements

a. Indicate one (1):

- The proposed rule change *MEETS* minimum substantive statutory requirements.
 The proposed rule change *EXCEEDS* minimum substantive statutory requirements. Please attach a statement explaining the reason that the rules exceed the requirements.

b. Indicate one (1):

- The Agency has complied with the requirements of W.S. 9-5-304. A copy of the assessment used to evaluate the proposed rules may be obtained:
 By contacting the Agency at the physical and/or email address listed in Section 1 above.
 At the following URL: _____
 Not Applicable.

6. Authorization

a. I certify that the foregoing information is correct.

Printed Name of Authorized Individual	MARY ELLEN YOUNG
Title of Authorized Individual	Mary Ellen Young
Date of Authorization	6/18/15

Distribution List:

- Attorney General and LSO: Hard copy of Notice of Intent; Statement of Reasons; clean copy of the rules; and strike-through and underline version of rules (if applicable). Electronic copies (PDFs) of all items noted (in addition to hard copies) may be emailed to LSO at Criss.Carlson@wvleg.gov.
- Secretary of State: Electronic version of Notice of Intent sent to Rules@wyo.gov.

Miner's Hospital Board

Statement of Principal Reasons

Revision Summary

Wording that was addressed in our governing Statute was deleted because it was considered repetitive and the Statute was referenced. In 2013, the Governor requested a reduction of state agency Rules, therefore these Rules have been reduced to comply with this request. The board has also completed a Rules Crosswalk of each Chapter to assist in understanding the changes.

Proposed Rule Changes Chapter 1 - General Provisions

Section 4. Definitions

Definitions was moved to Chapter 2 – Services to Miners, to provide all definitions in one chapter. Because the definitions include some of the eligibility requirements, it also makes more sense to place this with the information related to eligibility.

Section 6 and 9. Chair and Authorization of Expenditures

Because the Board only meets 2-4 times a year, the Board elected to allow the Chairperson the option to designate a representative to sign contracts and execute vouchers, to enable more expedient transactions.

Proposed Rule Changes Chapter 2 – Services to Miners

Added Section 1. Definitions

Definitions were moved from Chapter 1 - General Provisions because this information pertained more to information in Chapter – 2 Service to Miners and registration.

To comply with the revised statute, the definition of “Occasional” and “Incidental” was added to exclude those individuals that work on a mine site on an as-needed or job assignment basis. The previous Rules could be interpreted to read, a vendor catering functions, a sales person, a stock person or a welder or mechanic called to the mine for a specific job would have been eligible for life time benefits. The WMH Board does not have the impression that this was the original intent of the fund.

Section 1. Eligibility for Services

The information in this section was condensed and moved to Section 4, now called Registration as an Eligible Miner.

Section 2. Benefit Programs

References to dollar amounts available for benefits were removed to be placed in the Administrative Procedures book for the WMH Board. This was done for clarification and to condense our Rules. By having the dollar amounts in the Administrative Procedures book, the board will be able to react more quickly if it appears the funds are in danger of being depleted because of the increase in membership and benefit usage. Wording was also added to include a new benefit of hearing aid repairs.

Section 3. Registration as an Eligible Miner and Section 4. Eligibility for Medical Assistance Benefit

Wording was deleted that was repetitive and reference was made to our governing Statute 30-6-102.

Added Section 5. Acceptance of Claims

Revised wording from old Rules and stipulated that claims will be paid if funds are available and if funds are exhausted no further claims for services will be paid during the biennium.

Section 6. Payment of Accepted Claims

Added the wording “Reimbursements may be made directly to the qualified miner for good cause.” There are limited times that it is more feasible to reimburse the miner for documented out of pocket expenses that would normally have been paid to the provider.

Section 8. Denial of Registration, Services, or Benefits.

This section was added to inform the miner that there is a process for challenging when their registration, service, or benefit is denied. The procedure will be detailed in the WMH Board Administrative Procedures book.

CHAPTER 1

GENERAL PROVISIONS

Section 1. **Authority.** The State Miner's Hospital Board (hereinafter referred to as the "Board") is created under Wyo. Stat. 30-6-101 *et seq.* The membership of the Board is established pursuant to statute.

Section 2. **Purpose.** The State Miner's Hospital Board serves to carry out the purposes as delineated by statute.

Section 3. **Citation.** These rules and regulations shall be cited as "Rules of the State Miner's Hospital Board."

Section 4. **Severability.** If any provisions of these regulations or the application thereof to any person or circumstance is invalid, such invalidity shall not affect other provisions or application of these regulations which can be given effect without the invalid provision or application, and to this end the provisions of these regulations are declared to be severable.

Section 5. **Chair.**

(a) At the first regularly scheduled meeting of the Board each year, the members of the Board shall, as the last item of business, elect a chairperson. The elected chairperson shall, thereafter, conduct the meetings for the duration of his or her term.

(b) Any vacancy in the position of chairperson shall be addressed by the remaining Members of the Board who shall elect a chairperson at the next regularly scheduled meeting, following the vacancy.

(c) The Chairperson or his designated representative shall be authorized to execute vouchers and payment requests for authorized purchases, which purchases are authorized by the Board. All such vouchers and requests for payment shall be presented to the Wyoming State Auditor in the manner prescribed by the State Auditor's Office.

(d) The Chairperson or his designated representative shall be authorized to execute any contracts in the name of the State Miner's Hospital Board, with Board approval.

Section 6. **Executive Director and Secretary.**

(a) The Executive Director may be employed by the Board, which shall provide a contract of employment with such terms, conditions, pay and benefits that are consistent with the terms, conditions, pay and benefits of similar job descriptions within state government. The Board may utilize information from the Department of Administration and Information, Human Resources Division for comparable job descriptions, personnel duties and qualifications and pay bands. The annual salary of the Executive Director and any secretaries shall be set by the Board.

(i) The position of the Executive Director may be developed as a state position under the policies, rules and guidelines for state employees, as authorized by statute. If it is decided to develop a state position for the Executive Director, a position description questionnaire shall be constructed to accomplish migrating to state employee status.

(ii) The position of secretary may be either a contract or state position.

(b) The Executive Director shall be responsible for the day to day operations of the Board, hiring and supervision of secretaries and the administration of the Programs established by the Board.

(c) The Chairperson shall prepare agendas for the meetings, in consultation with the Executive Director and make necessary arrangements for the meetings.

(d) Secretaries shall perform duties as directed by the Board or the Executive Director.

Section 7. Meetings. The Board shall meet as directed in Wyo. Stat. 30-6-101(e). At each meeting, the Chairperson or his or her designee shall conduct the meeting and shall adhere to Robert's Rules of Order for the ordering of the items for discussion and resolution of the meeting or other parliamentary ordering, as the Board shall determine.

(a) **Quorum.** A quorum of the Board shall be constituted of five (5) duly appointed members. For the purposes of establishing a quorum, a member may be considered present for the purposes of the quorum when such member attends the meeting by means of telecommunications conference call where such member's voice vote and contribution to the discussion can be

heard by all members physically present at the appointed meeting.

(b) Location. The Board shall conduct its meetings in person or by teleconference at a public hall or halls at the direction of the Chairperson. Required meetings shall be conducted in a location or locations that are conveniently accessible to the members.

(c) Public Meeting. Meetings shall be open to the general public.

(d) Executive Session. Before convening in executive sessions, the Chairperson shall publicly announce the purpose for excluding the public from the meeting place, and the time when the executive session will be concluded. An executive session shall be held in compliance with the Open Meetings Act.

(e) Notice of Meetings. Meetings shall be called at the direction of the Chairperson and as the Board shall determine. The Chairperson shall set meetings in accordance with the provisions of these rules and giving due consideration to the attendance of the greatest number of Board members. Meeting notices shall be published one time in newspapers of general circulation in the counties of Sweetwater and Campbell and as otherwise determined by the Board, giving consideration to the public interest. Meeting notices shall also be provided to interested parties, who have requested notice and have provided a name and mailing address, and to the Office of the Wyoming Attorney General, the Governor's Office and the Legislative Service Office, at their official addresses. The Executive Director shall compile and maintain the list of parties interested in notice. A notice of meeting shall provide no less than seven (7) days prior notice of the meeting, dated from the date of publication.

(f) Agenda. The Chairperson and the executive director shall prepare the agenda. Any member of the Board may request an item to be placed on the agenda. Agendas shall include those items requiring Board approval including, but not limited to, the Board's budget and financial statements, personnel action and contracts of the Board. Tentative agenda will be sent no fewer than five (5) calendar days before each Board meeting with support materials.

(g) Minutes. Minutes of meetings of the Board shall be kept in a form which will provide a permanent record of the proceedings of the Board. Minutes shall be considered public records under the Wyoming Administrative Procedure Act. Minutes shall be maintained at a place as designated by the Board.

(h) The executive director will ensure recording of Board proceedings but may appoint a recording secretary to record the proceedings of the meetings. Minutes become official after approval by the Board and shall be retained as a permanent record of the Board. Minutes shall show:

- (i) The date, time and place of the meeting;
- (ii) The presiding officer;
- (iii) Members and guests in attendance;
- (iv) Items discussed and disposition taken during the meeting;
- (v) Action taken to recess to executive session with purpose and time stated; and

(vi) Time of Adjournment.

(vii) Unofficial minutes shall be delivered to Board members in advance of the next meeting of the Board and shall also be available to other interested parties. Minutes need not be read publicly, provided that the Board members have had an opportunity to review them before adoption.

(viii) A file of permanent minutes of all Board meetings will be maintained in the office of the Board to be made available for inspection upon the request of any interested parties.

(ix) The Board shall record votes in the following manner: If there is no dissent to a motion, the action shall be recorded as passed unanimously. A Board member's dissenting or abstaining vote may be recorded by name at his/her request.

Section 8. Authorization of Expenditures.

(a) The executive director may purchase or provide necessary capital equipment, supplies and services for the Board to a maximum of five hundred dollars (\$500.00) per purchase. Aggregate purchases of supplies and equipment shall be made so as to not exceed the maximum. Capital purchases in excess of that amount are subject to the approval of the Board.

(i) The executive director shall distribute by mail or electronic means monthly Board financial statements to each member of the Board.

(ii) All fiscal records of the Board will be accounted for within the State of Wyoming Accounting Procedures.

(iii) Inventory records shall be maintained on physical property under control of the inventory coordinator of the Governor's Office. Acquisitions and property that is disposed of as "surplus property" shall be recorded on the Governor's perpetual inventory records.

(b) Board members, the executive director and the secretary shall present vouchers and requests for payment in accordance with the policies and procedures of the Wyoming State Auditor's Office.

(c) The Board Chairperson or his designated representative shall be authorized to approve vouchers and requests for payment consistent with the policies and procedures of the Wyoming State Auditor's Office with board approval. The Chairperson may, with a vote of approval of the Board, designate, in writing, another member of the Board who may approve vouchers and requests for payment in accordance with the policies and procedures of the Wyoming State Auditor's Office.

Section 9 . **Contracts.**

(a) All contracts in the name of the State Miner's Hospital Board shall be drafted in accordance with the Contract Manual for State Agencies compiled by the Wyoming Attorney General's office.

(b) Contracts shall be executed, with Board approval, in the name of the State Miner's Hospital Board by the Chairperson or his or her designee.

(c) An administrative office of the State Miner's Hospital Board shall retain a fully executed copy of all contracts, together with any related attachments or exhibits.

Section 10. Office. The State Miner's Hospital Board may have offices located in Sweetwater, Campbell, or Natrona County, Wyoming. The executive director shall maintain such offices as the Board may direct and shall be responsible for keeping such offices open for the business of the Board during normal business hours, weekdays, and such other times as the Board may direct. The executive director is the primary agent of the Board and will be available at such Offices to create a presence for the Board, its activities and interaction with the public.

CHAPTER 1

GENERAL PROVISIONS

Section 1. **Authority.** The State Miner’s Hospital Board (hereinafter referred to as the “Board”) is created under Wyo. Stat. 30-6-101 *et seq.* The membership of the Board is established pursuant to statute.

Section 2. **Purpose.** The State Miner’s Hospital Board serves to carry out the purposes as delineated by statute.

Section 3. **Citation.** These rules and regulations shall be cited as “Rules of the State Miner’s Hospital Board.” ~~Section. “. ”~~

~~Section 4. Definitions.~~

~~(a) —“Coal or other mine” means an area of land from which minerals are extracted and processed in nonliquid form or, if in liquid form, through an in situ leach process;~~

~~(b) —“Covered condition” means a pulmonary/respiratory disease, hearing loss, cardiac condition, or a musculoskeletal condition.~~

~~(c) —“Miner” means a resident of Wyoming who has worked in a mine in this state or a contiguous state who is or was employed at a coal or other mine or at a processing or conversion facility contiguous to the mine and dependent upon the output of that mine as feedstock. “Miner” shall include the operator of the mine or plant if the operator works on a continuing or irregular basis;~~

~~(d) —“Mining” means coal mining, metal ore mining and nonmetallic mineral mining and quarrying. “Mining” includes coal, trona, bentonite, gypsum, sand and gravel, and other stone and uranium mining;~~

~~(e) —“Resident of Wyoming” means a person who has lived in the state of Wyoming for at least twelve (12) months and not claimed residency elsewhere.~~

Section ~~5~~4. **Severability.** If any provisions of these regulations or the application thereof to any person or circumstance is invalid, such invalidity shall not affect other provisions or application of these regulations which can be given effect without the invalid provision or application, and to this end the provisions of these regulations are declared to be severable.

Section 65. Chair.

(a) At the first regularly scheduled meeting of the Board each year, the members of the Board shall, as the last item of business, elect a chairperson. The elected chairperson shall, thereafter, conduct the meetings for the duration of his or her term.

(b) Any vacancy in the position of chairperson shall be addressed by the remaining Members of the Board who shall elect a chairperson at the next regularly scheduled meeting, following the vacancy.

(c) The Chairperson or his designated representative shall be authorized to execute vouchers and payment requests for authorized purchases, which purchases are authorized by the Board. All such vouchers and requests for payment shall be presented to the Wyoming State Auditor in the manner prescribed by the State Auditor's Office.

(d) The Chairperson or his designated representative shall be authorized to execute any contracts in the name of the State Miner's Hospital Board, with Board approval.

Section 76. Executive Director and Secretary.

(a) The Executive Director may be employed by the Board, which shall provide a contract of employment with such terms, conditions, pay and benefits that are consistent with the terms, conditions, pay and benefits of similar job descriptions within state government. The Board may utilize information from the Department of Administration and Information, Human Resources Division for comparable job descriptions, personnel duties and qualifications and pay bands. The annual salary of the Executive Director and any secretaries shall be set by the Board.

(i) The position of the Executive Director may be developed as a state position under the policies, rules and guidelines for state employees, as authorized by statute. If it is decided to develop a state position for the Executive Director, a position description questionnaire shall be constructed to accomplish migrating to state employee status.

(ii) The position of secretary may be either a contract or state position.

(b) The Executive Director shall be responsible for the day to day operations of the Board, hiring and supervision of secretaries and the administration of the Programs established by the Board.

(c) The Chairperson shall prepare agendas for the meetings, in consultation with the Executive Director and make necessary arrangements for the meetings.

(d) Secretaries shall perform duties as directed by the Board or the Executive Director.

Section 87. Meetings. The Board shall meet as directed in Wyo. Stat. 30-6-101(e). At each meeting, the Chairperson or his or her designee shall conduct the meeting and shall adhere to Robert's Rules of Order for the ordering of the items for discussion and resolution of the meeting or other parliamentary ordering, as the Board shall determine.

(a) **Quorum.** A quorum of the Board shall be constituted of five (5) duly appointed members. For the purposes of establishing a quorum, a member may be considered present for the purposes of the quorum when such member attends the meeting by means of telecommunications conference call where such member's voice vote and contribution to the discussion can be heard by all members physically present at the appointed meeting.

(b) **Location.** The Board shall conduct its meetings in person or by teleconference at a public hall or halls at the direction of the Chairperson. Required meetings shall be conducted in a location or locations that are conveniently accessible to the members.

(c) **Public Meeting.** Meetings shall be open to the general public.

(d) **Executive Session.** Before convening in executive sessions, the Chairperson shall publicly announce the purpose for excluding the public from the meeting place, and the time when the executive session will be concluded. An executive session shall be held in compliance with the Open Meetings Act.

(e) **Notice of Meetings.** Meetings shall be called at the direction of the Chairperson and as the Board shall determine. The Chairperson shall set meetings in accordance with the provisions of these rules and giving due consideration to the attendance of the greatest number of Board members. Meeting notices shall be published one time in newspapers of general circulation in the counties of Sweetwater and Campbell and as otherwise determined by

the Board, giving consideration to the public interest. Meeting notices shall also be provided to interested parties, who have requested notice and have provided a name and mailing address, and to the Office of the Wyoming Attorney General, the Governor's Office and the Legislative Service Office, at their official addresses. The Executive Director shall compile and maintain the list of parties interested in notice. A notice of meeting shall provide no less than seven (7) days prior notice of the meeting, dated from the date of publication.

(f) Agenda. The Chairperson and the executive director shall prepare the agenda. Any member of the Board may request an item to be placed on the agenda. Agendas shall include those items requiring Board approval including, but not limited to, the Board's budget and financial statements, personnel action and contracts of the Board. Tentative agenda will be sent no fewer than five (5) calendar days before each Board meeting with support materials.

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interested parties. Minutes need not be read publicly, provided that the Board members have had an opportunity to review them before adoption.

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(ix) The Board shall record votes in the following manner: If there is no dissent to a motion, the action shall be recorded as passed unanimously. A Board member's dissenting or abstaining vote may be recorded by name at his/her request.

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(i) The executive director shall distribute by mail or by electronic means monthly Board financial statements to each member of the Board.

(ii) All fiscal records of the Board will be accounted for within the State of Wyoming Accounting Procedures.

(iii) Inventory records shall be maintained on physical property under control of the inventory coordinator of the Governor's Office. Acquisitions and property that is disposed of as "surplus property" shall be recorded on the Governor's perpetual inventory records.

(b) Board members, the executive director and the secretary shall present vouchers and requests for payment in accordance with the policies and procedures of the Wyoming State Auditor's Office.

(c) The Board Chairperson or his designated representative shall be authorized to approve vouchers and requests for payment consistent with the policies and procedures of the Wyoming State Auditor's Office with board approval. The Chairperson may, with a vote of approval of the Board, designate, in writing, another member of the Board who may approve vouchers and

requests for payment in accordance with the policies and procedures of the Wyoming State Auditor's Office.

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(b) Contracts shall be executed, with Board approval, in the name of the State Miner's Hospital Board by the Chairperson or his or her designee.

(c) An administrative office of the State Miner's Hospital Board shall retain a fully executed copy of all contracts, together with any related attachments or exhibits.

Section ~~11~~10. Office. The State Miner's Hospital Board may have offices located in Sweetwater, Campbell, or Natrona County, Wyoming. The executive director shall maintain such offices as the Board may direct and shall be responsible for keeping such offices open for the business of the Board during normal business hours, weekdays, and such other times as the Board may direct. The executive director is the primary agent of the Board and will be available at such Offices to create a presence for the Board, its activities and interaction with the public.

CHAPTER 2

SERVICES FOR MINERS

Section 1. **Definitions.**

(a) “Occasional” means irregular or infrequent.

(b) “Incidental” means work at a mine or qualifying processing or conversion facility that is not necessary for or, directly dependent upon, the primary function of the mine or qualifying processing or conversion facility.

(c) “Processing or conversion facility” means a facility that is dependent upon the output of a mine for feedstock and prepares minerals, coal or other geological materials, in solid or liquid form derived from an in situ leach process, prior to the first sale or transfer of the mineral to another entity. Processing does not include those facilities that use a mined product as an ingredient in a finished product or to manufacture a finished product.

Section 2. **Benefit Programs.** Benefits for all miners are established as follows:

(a) A medical assistance benefit for pulmonary/respiratory, cardiac, hearing loss and musculoskeletal conditions of miners which are due to labor in the mining industry in accordance with W.S. 30-6-102(b)(i) and current Board policy and procedures. The Board’s Policies and Procedures Manual can be found on the Board’s website <http://mhb.state.wy.us>.

(b) A hearing aid benefit toward the purchase of hearing aids and hearing aid repair in accordance with current Board policy and procedures. The Board’s Policies and Procedures Manual can be found on the Board’s website <http://mhb.state.wy.us>.

Section 3. **Registration as an Eligible Miner.**

(a) To be eligible, an applicant shall submit a completed Board registration form.

(b) The following shall be submitted as evidence of an applicant’s eligibility for services:

(i) Residency – The applicant shall demonstrate compliance with the requirements of W.S. 30-6-102 (f)(v) by submitting any of the following: voter registration, current Wyoming driver’s license, current Wyoming identification card, or any other information which verifies residency and is acceptable to the board.

(ii) Domicile- The applicant shall meet the requirements of W.S.30-6-102 (f)(iv)

(iii) Employment as a miner –The applicant shall demonstrate compliance with the requirements of W.S. 30-6-102 (f)(ii) by submitting any of the following - Employment records, W-2 forms, pension verification letters, Social Security records, or any other information that is acceptable to the board and verifies the applicant’s employment as a miner.

(c) Upon acceptance of the miner’s qualified application, the Board shall issue a Miners Hospital Program identification Card.

(d) The Board may require renewal of registrations to comply with statute, rules, or policy changes. A miner who fails to renew a registration on or before the renewal deadline is not eligible for benefits. A miner may re-register after the deadline if the miner continues to meet the eligibility requirements but shall not be eligible for benefits during any period in which the miner was not registered.

Section 4. Eligibility for Medical Assistance Benefit.

(a) To be eligible for the Medical Assistance Benefit a miner shall:

(i) Complete a Board registration form, have registered as an Eligible Miner as provided in Section 2 and receive a valid Miner’s Hospital Program Identification Card;

(ii) Submit a health care provider’s written statement that the miner is in need of the services or benefits described in W.S. 30-6-102,

(iii) The eligible miner shall provide a medical provider’s statement of injury and inability to work as miner with Workers Compensation records; mine personnel records; medical records; Social Security Records; or any other information which verifies that the injury occurred and the miner is unable to work due to the injury.

(b) The following shall be submitted as evidence of an individual's eligibility for the benefit:

(i) Diagnosis of the condition from a physician that verifies the condition and need for treatment and

(ii) Verification that no other sources of benefits exist, which may include:

(A) Explanation of Benefits from the miner's insurance company, Medicaid or Medicare or any other third-party responsible to pay for treatment received:

(B) A statement from a medical provider that other third party sources of payment have been explored and exhausted or

(C) An affidavit from the claimant certifying that he or she is not covered by any policy of insurance that provides coverage of or reimbursement for prescription medications.

(iii) A statement from a medical provider, statement from a health insurance company, or statement under penalty of perjury from the miner, the miner's next of kin or personal representative of the amount of out of pocket expenses incurred.

(c) A miner may be required to submit additional evidence of eligibility for services or benefits.

Section 5. Acceptance of Claims.

(a) Claims for medical assistance:

(i) A medical provider or miner shall submit claims for benefits directly to the Board's third-party administrator on a standard health insurance claim form or other forms acceptable to the third party administrator.

(b) Claims for Prescription Drug Assistance:

(i) A qualified miner covered by insurance providing prescription drug coverage may submit pharmacy receipts accompanied by a claim form with the miner's name and mailing address to the Board's third-party

administrator. The miner's out-of-pocket costs for covered prescriptions shall be paid directly to the miner.

(ii) Qualified miners with no insurance may request a Prescription Hardship benefit. The Board shall determine the benefit on a case by case basis and the miner will be issued a Miner's Hospital Prescription Benefit Card that allows pharmacies to charge the entire cost of covered prescriptions, up to the annual maximum allowed under Section 2(a), to the Board. The prescription hardship benefit must be renewed every October.

(c) Accepted claims will only be paid if budgeted funds are available. Once the funds budgeted for the biennium are exhausted, no further claims for services provided during that biennium will be paid.

(d) All claims for a calendar year must be received on or before June 30 of the following.

(e) Claims received but not accepted or paid due to lack of budgeted funds may not be resubmitted.

Section 6. Payment of Accepted Claims. All payments except reimbursement for covered prescription drugs will be made directly to medical providers or pharmacies. Reimbursements may be made directly to the qualified miner for good cause. Payment for prescription drug reimbursement may be made directly to miners.

Section 7. Denial of Registration, Services, or Benefits.

(a) Upon receiving of a registration form or claim for benefits, the Executive Director or staff shall review the form and information or claim submitted. If the applicant clearly qualifies, the applicant shall be registered or benefits shall be dispersed. If there are questions regarding eligibility or claims, the Executive Director shall forward the application or claim to the Review Committee (RC). The RC shall consist of the Executive Director and two (2) members of the board designated by the board chairman.

(i) The RC shall review the application or claim and all other information available and following the review may:

(A) Approve the application or claim; or

(B) If there are questions as to whether denial is appropriate, forward the application and a RC report to the Assistant Attorney General assigned to the Board for prosecution to review.

(ii) If, after review, the RC and Assistant Attorney General recommends denial of an application or claim:

(A) A preliminary denial letter shall be sent to applicant or claimant by registered mail, return receipt requested. The letter shall state the basis for the denial, including applicable rules.

(B) If preliminarily denied, the applicant or claimant shall submit a written request for a hearing within 15 days of the date of the denial letter or the denial is final.

(b) A denial hearing is a formal contested case hearing conducted pursuant to the Wyoming Administrative Procedure Act.

(c) The applicant has the burden of proving that the applicant is eligible for registration. The claimant has the burden of proving the claim should be paid.

(d) The hearing will be conducted by the Office of Administrative Hearings in accordance with its Uniform Rules for Contested Case Practice and Procedure. The hearing officer shall submit proposed findings of fact, conclusions of law and order to the Board within thirty (30) days of the hearing's conclusion. The miner and review committee may submit exceptions to the proposed order within seven (7) days after service. By incorporating the Office of Administrative Hearings' Uniform Rules, the Board makes the following findings;

(i) Incorporating the full text of the Uniform Rules would be cumbersome and inefficient given the length and nature of the rules;

(ii) The incorporation is limited to the Uniform Rules adopted by the Office of Administrative Hearings on October 17, 2014, and shall not include any subsequent editions or amendments to the Uniform Rules.

(iii) Copies of the Uniform Rules are available to the public at the Board's office at 2001 W. Lakeway Road, Suite B, Gillette, WY 82718.

(iv) An electronic copy of the Uniform Rules is available to the public at the following web address: <http://mhb.state.wy.us>

(e) Proposed orders will be given consideration, but are not binding upon the Board. All final decisions will be issued by the Board and shall be based exclusively upon the evidence in the record and matters officially noticed. The Review Committee shall not participate in the Board's final decision.

(i) A Petition for Judicial Review of the Board decision may be filed in the district court in accordance with the Wyoming Rules of Appellate Procedure.

(ii) If a Petition for Judicial Review is filed in the district court, the petitioner shall either arrange the preparation and pay for the transcript of the testimony, or reimburse the Board for the cost of the transcript if previously prepared at Board expense.

CHAPTER 2
SERVICES FOR MINERS

Section 1. ~~Eligibility for Services~~ Definitions.

~~(a) To be eligible for any services or benefits provided by the Board an individual must:~~

~~(i) Obtain a Board registration from, provide all information required to fully complete the form, and submit the form as directed; and~~

~~(ii) Be a resident of Wyoming at the time any services or benefits are applied for; and~~

~~(iii) While a resident of Wyoming have either:~~

~~(A) Twelve (12) consecutive months of service at a mine site in Wyoming or a contiguous state; or~~

~~(B) Been injured while at work in a mine in Wyoming or a contiguous state and be unable to continue working as a miner due to that injury; and~~

~~(iv) Be in need of services or benefits provided by the Board.~~

~~(b) The following may be submitted as evidence of an individual's eligibility for services:~~

~~(i) Residency—Any of the following: Voter registration; current Wyoming driver's license; current Wyoming identification card; current Wyoming resident hunting or fishing license; or any other information which verifies residency acceptable to the board. A general hospital stay does not qualify as time toward meeting the residency period.~~

~~(ii) Injury and inability to work as miner—Workers Compensation records; mine personnel records; medical records; Social Security Records; or any other information which verifies that the injury occurred and the miner is unable to work as a miner due to the injury.~~

~~(iv) Need for services—Provider’s written statement.~~

(a) “Occasional” means irregular or infrequent.

(b) “Incidental” means work at a mine or qualifying processing or conversion facility that is not necessary for or, directly dependent upon, the primary function of the mine or qualifying processing or conversion facility.

(c) “Processing or conversion facility” means a facility that is dependent upon the output of a mine for feedstock and prepares minerals, coal or other geological materials, in solid or liquid form derived from an in situ leach process, prior to the first sale or transfer of the mineral to another entity. Processing does not include those facilities that use a mined product as an ingredient in a finished product or to manufacture a finished product.

Section 2. Benefit Programs. Benefits for all miners are established as follows:

~~In order to provide benefit with emphasis on pulmonary/respiratory, hearing loss, cardiac and musculoskeletal conditions of miners and as part of the Board’s plan to meet the miners’ health care needs in the state as required by W.S. 30-6-102 (b), benefits for all miners are established as follows:~~

(a) ~~A Mmedical aAssistance Bbenefit of not more than five thousand dollars (\$5,000.00) per miner/per calendar year for pulmonary/respiratory, cardiac and musculoskeletal conditions of miners which are due to labor in the mining industry in accordance with W.S. 30-6-102(b)(i) and current Board administrative policies and procedures. The Board’s Policies and Procedures Manual can be found on the Board’s website <http://mhb.state.wy.us>~~

~~(i) Benefits for chiropractic treatment are limited to:~~

~~(A) Fifty dollars (\$50.00) per visit; and~~

~~(B) Twenty one (21) visits per calendar year.~~

(b) A ~~hHearing aAid bBenefit of not more than two thousand dollars (\$2,000.00)~~ toward the purchase of ~~new or replacement~~ hearing aids and hearing aid repair in accordance with current Board administrative policies and procedures. The Board's Policies and Procedures Manual can be found on the Board's website <http://mhb.state.wy.us>

Section 3. Eligibility for Medical Assistance Benefit Registration as an Eligible Miner.

(a) To be eligible for the Medical Assistance Benefit an individual ~~must~~ shall submit a completed Board registration form.:

(i) ~~Have completed a Board registration form, and have established eligibility as provide in Section 1 and received a Miner's Hospital Program Identification Card; and~~

(ii) ~~Suffer from pulmonary/respiratory disease, hearing loss, a cardiac condition or a musculoskeletal condition which is due to labor in the mining industry and requires medical attention and care; and~~

(iii) ~~Have incurred expenses for medical care, including prescription drugs, related to covered conditions which no third party is obligated to pay.~~

(b) The following ~~may~~ shall be submitted as evidence of an individual's applicant's eligibility for ~~the benefit services:~~

(i) Residency – The applicant shall demonstrate compliance with the requirements of W.S. 30-6-102(f)(v) by submitting any of the following: voter registration, current Wyoming driver's license, current Wyoming identification card, or any other information which verifies residency and is acceptable to the board. ~~Diagnosis of Condition. Written statement of physician or any other information which verifies the condition and need for treatment.~~

(ii) Domicile – The applicant shall meet the requirements of W.S. 30-6-102(f)(iv). ~~Exhaustion of Third Party Sources of Payment. Explanation of Benefits from insurance company, Medicaid or Medicare or any other third party (except spouse or family member) responsible to pay~~

~~for treatment received and statement from medical provider that other third party sources of payment have been explored and exhausted. A claimant may submit an affidavit certifying that he or she is not covered by any policy of insurance which provides coverage of or reimbursement for prescription medications.~~

(iii) Employment as a miner –The applicant shall demonstrate compliance with the requirements of W.S. 30-6-102 (f)(ii) by submitting any of the following - Employment records, W-2 forms, pension verification letters, Social Security records, or any other information that is acceptable to the board and verifies the applicant’s employment as a miner.

(c) Upon acceptance of the miner’s qualified application, the Board shall issue a Miners Hospital Program identification Card.

(d) The Board may require renewal of registrations to comply with statute, rules, or policy changes. A miner who fails to renew a registration on or before the renewal deadline is not eligible for benefits. A miner may re-register after the deadline if the miner continues to meet the eligibility requirements but shall not be eligible for benefits during any period in which the miner was not registered.

Section 4. Eligibility for Medical Assistance Benefit.

(a) To be eligible for the Medical Assistance Benefit a miner shall:

(i) Complete a Board registration form, have registered as an Eligible Miner as provided in Section 2 and receive a valid Miner’s Hospital Program Identification Card;

(ii) Submit a health care provider’s written statement that the miner is in need of the services or benefits described in W.S. 30-6-102,

(iii) The eligible miner shall provide a medical provider’s statement of injury and inability to work as miner with Workers Compensation records; mine personnel records; medical records; Social Security Records; or any other information which verifies that the injury occurred and the miner is unable to work due to the injury.

(b) The following shall be submitted as evidence of an individual's eligibility for the benefit:

(i) Diagnosis of the condition from a physician that verifies the condition and need for treatment and

(ii) Verification that no other sources of benefits exist, which may include:

(A) Explanation of Benefits from the miner's insurance company, Medicaid or Medicare or any other third-party responsible to pay for treatment received:

(B) A statement from a medical provider that other third party sources of payment have been explored and exhausted or

(C) An affidavit from the claimant certifying that he or she is not covered by any policy of insurance that provides coverage of or reimbursement for prescription medications.

(iii) A statement from a medical provider, statement from a health insurance company, or statement under penalty of perjury from the miner, the miner's next of kin or personal representative of the amount of out of pocket expenses incurred.

(c) A miner may be required to submit additional evidence of eligibility for services or benefits.

Section 4.5 Acceptance of Claims.

~~(a) Claims for medical assistance: miners having a current Miners' Hospital Identification Card for benefits other than Prescription Drug Assistance will be submitted directly to the Board's third party administrator by the medical provider or miner on a standard health insurance claim form or other form acceptable to the third party administrator.~~

(i) A medical provider or miner shall submit claims for benefits directly to the Board's third-party administrator on a standard health insurance claim form or other forms acceptable to the third party administrator.

(b) Claims for Prescription Drug Assistance:

(i) A qualified miner covered by insurance providing prescription drug coverage may submit pharmacy receipts accompanied by a claim form with the miner's name and mailing address to the Board's third-party administrator. Miners covered by insurance providing prescription drug coverage may submit pharmacy receipts accompanied by their name and mailing address to the Board's third party administrator. The miner's out of pocket costs for covered prescriptions will be paid directly to the miner.

(ii) Qualified mMiners with no insurance may request a Prescription Hardship benefit. The Board shall Hardship will be determined the benefit on a case by case basis and the miner will be issued a Miner's Hospital Prescription Benefit Identification Card which that allows pharmacies to charge the entire cost of covered prescriptions, up to the maximum allowed under Section 2(a), to the Board. The Prescription Hardship hardship benefit must be renewed every October.

(c) Accepted claims will only be paid if budgeted funds are available. Once the funds budgeted for the biennium are exhausted, no further claims for services provided during that biennium will be paid. Claims will be accepted on a first received/first accepted basis.

(d) All claims for a calendar year must be received on or before June 30 of the year following.

(e) Claims received but not accepted or paid due to lack of budgeted funds may not be resubmitted or paid.

Section 56. Payment of Accepted Claims. All payments except reimbursement for covered prescription drugs will be made directly to medical providers or pharmacies. Reimbursements may be directly to the qualified miner for good cause. Payment for prescription drug reimbursement may be made directly to miners~~individuals~~.

Section 67. Hearing Aids, Denial of Registration, Services, or Benefits.

(a) Upon receiving of a registration form or claim for benefits, the Executive Director or staff shall review the form and information or claim submitted. If the applicant clearly qualifies, the applicant shall be registered or benefits shall be dispersed. If there are questions regarding eligibility or claims, the Executive Director shall forward the application or claim to the Review Committee (RC). The RC shall consist of the Executive Director and two (2) members of the board designated by the board chairman.

(i) The RC shall review the application or claim and all other information available and following the review may:

(A) Approve the application or claim; or

(B) If there are questions as to whether denial is appropriate, forward the application and a RC report to the Assistant Attorney General assigned to the Board for prosecution to review.

_____ (ii) If, after review, the RC and Assistant Attorney General recommends denial of an application or claim:

_____ (A) A preliminary denial letter shall be sent to applicant or claimant by registered mail, return receipt requested. The letter shall state the basis for the denial, including applicable rules.

_____ (B) If preliminarily denied, the applicant or claimant shall submit a written request for a hearing within 15 days of the date of the denial letter or the denial is final.

(b) A denial hearing is a formal contested case hearing conducted pursuant to the Wyoming Administrative Procedure Act.

(c) The applicant has the burden of proving that the applicant is eligible for registration. The claimant has the burden of proving the claim should be paid.

(d) The hearing will be conducted by the Office of Administrative Hearings in accordance with its Uniform Rules for Contested Case Practice and Procedure. The hearing officer shall submit proposed findings of fact, conclusions of law and order to the Board within

thirty (30) days of the hearing's conclusion. The miner and review committee may submit exceptions to the proposed order within seven (7) days after service. By incorporating the Office of Administrative Hearings' Uniform Rules, the Board makes the following findings;

(i) Incorporating the full text of the Uniform Rules would be cumbersome and inefficient given the length and nature of the rules;

(ii) The incorporation is limited to the Uniform Rules adopted by the Office of Administrative Hearings on October 17, 2014, and shall not include any subsequent editions or amendments to the Uniform Rules.

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(iv) An electronic copy of the Uniform Rules is available to the public at the following web address: <http://mhb.state.wy.us>

(e) Proposed orders will be given consideration, but are not binding upon the Board. All final decisions will be issued by the Board and shall be based exclusively upon the evidence in the record and matters officially noticed. The Review Committee shall not participate in the Board's final decision.

(i) A Petition for Judicial Review of the Board decision may be filed in the district court in accordance with the Wyoming Rules of Appellate Procedure.

(ii) If a Petition for Judicial Review is filed in the district court, the petitioner shall either arrange the preparation and pay for the transcript of the testimony, or reimburse the Board for the cost of the transcript if previously prepared at Board expense.

~~Payment of up to two thousand dollars (\$2,000.00) will be made to those providers on the Board's preferred provider list and of up to one thousand five hundred and dollars (\$1,500.00) to others providers. Benefits received for hearing aids are not included in the Medical Assistance Benefit.~~