

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO. [BILL NUMBER]

Public health nursing.

Sponsored by: Joint Labor, Health & Social Services Interim
Committee

A BILL

for

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

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

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

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STAFF COMMENT

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**Below, existing W.S. 35-1-242 is repealed and
recreated, in substantial part, in new W.S. 35-1-
243. Language which was originally found in 35-
1-242 is indicated by standard text while new**

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1 language is underlined. Consistent with the
2 Committee's direction, the new language is
3 intended to implement the statutory changes
4 suggested in the October 2015 Public Health
5 Nursing Delivery Model Recommendations report.
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7 New W.S. 35-1-243 is significantly reorganized to
8 be more clear while maintaining as much language
9 from 35-1-242 as possible.

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12 35-1-243. Public health nursing.

13

14 (a) In exercising its powers and duties under W.S.
15 35-1-240(a)(xx), the department of health may enter into
16 memoranda of understanding with the several counties
17 separately for the organization, management, delivery and
18 financing of public health nursing and related functions.
19 The county commissioners of each county shall have at least
20 the following choices for organizing public health nursing
21 and related functions:

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23 (i) A partnership memorandum of understanding
24 system;

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

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

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7 (b) A memoranda of understanding entered into
8 pursuant to this section may:

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

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

18

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

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

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

15
16 (d) If the commissioners of a county enter into a
17 memorandum of understanding to provide public health
18 nursing services under the system specified in paragraph
19 (a)(ii) of this section, at the request of the
20 commissioners of the county, county employee positions
21 assisting in providing public health functions may be
22 transferred to state at-will employee contract positions
23 under W.S. 9-2-1022(a)(xi)(F) or to permanent state

1 positions, provided that the number of positions
2 transferred under this subsection shall not exceed the
3 largest number of public health nursing positions in the
4 county between July 1 and December 31 of the year prior to
5 the transfer and providing that the applicable memorandum
6 of understanding addresses any wage or benefit differences
7 between state employees and employees whose positions are
8 transferred. The department may charge an administrative
9 fee and accept county or other local funds to defray the
10 cost of transferred positions as provided in the memorandum
11 of understanding. The funds shall be deposited by the state
12 treasurer in a separate account. The funds in the account
13 are continuously appropriated to the department of health
14 and shall be paid out upon request of the department as
15 provided by law. Positions transferred under this
16 subsection into state permanent positions shall be paid
17 benefits in the same manner and at the same rates as for
18 comparable state employees. The department's authorization
19 for employee positions shall be expanded by operation of
20 law to accommodate all positions transferred to the state
21 under this subsection and shall continue so long as the
22 county that requested the transfers satisfies its
23 obligations under its memorandum of understanding with the

1 department. Upon written notice to the transferred
2 employees and the county, the department shall terminate
3 any state positions created under this subsection upon a
4 county's failure to make all payments required by its
5 memorandum of understanding with the department or upon the
6 county's request. All positions created under this
7 subsection shall be included within the department's
8 standard or supplemental budget request.

9
10 (e) Any entity providing public health nursing
11 services under paragraphs (a)(i) or (a)(ii) of this section
12 and which maintains a city, county or district board of
13 health under W.S. 35-1-301 through 35-1-309 may enter into
14 a contract with the department to perform public health
15 nursing services under paragraph (a)(iii) of this section
16 pursuant to subsection (c) of this section. This
17 subsection and any contract made pursuant to it shall be
18 operable only for the period for which the department is
19 specifically authorized by law to transfer funds between
20 expenditure series for the purpose of making payments to
21 those entities that operate public health nursing services
22 pursuant to this subsection. The department's
23 authorization for employee positions shall be reduced

1 automatically to correspond with any transfer of funds from
2 a salary expenditure series to a contract series. All
3 contracts made pursuant to this subsection shall be
4 conditioned upon the availability of appropriate funding
5 and the authority to transfer funds as provided in this
6 subsection. A contract made pursuant to this subsection
7 shall provide, with as much specificity as is reasonable
8 and practical given the time available, the services to be
9 performed, the resources and other assistance to be
10 provided by the state and the outcomes expected.

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12 (f) If the commissioners of two (2) or more counties
13 desire to form a joint powers board to manage all or part
14 of the public health functions in the respective counties,
15 the relevant memoranda of understanding may be modified
16 accordingly and may provide for transition to a joint
17 powers board upon its creation pursuant to the Wyoming
18 Joint Powers Act.

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20 (g) The county commissioners of each county may
21 choose for all or a portion of their county to use, for the
22 delivery and management of public health nursing and

1 related functions, any existing organization which
2 currently delivers any or all public health services.

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5 STAFF COMMENT

6 Section 2, below, is added by LSO and recommended
7 as a means for the relevant public health nursing
8 options, above, to be fully implemented into the
9 state's employment system. Section 2 creates an
10 obligation for A&I's human resource division, in
11 consultation with the Department of Health, to
12 adopt rules which will accommodate county
13 employees which are transferred to state
14 employment positions under subsection (d) of the
15 public health nursing statute. The rule making
16 obligation created in Section 2 is not included
17 in current statutory language and, therefore, the
18 Committee may want to consider whether the
19 language is necessary.

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22 Section 2. W.S. 9-2-1022 by creating a new
23 subparagraph (a)(xi)(G) is amended to read:

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25 9-2-1022. Duties of department performed through
26 human resources division.

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28 (a) Subject to subsection (b) of this section, the
29 department through the human resources division shall:

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31 (xi) Promulgate reasonable rules:

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(G) Which are necessary to accommodate the movement of county or other local government employees in and out of state employee positions as permitted by W.S. 35-1-243 and in consultation with the Department of Health.

Section 3. W.S. 35-1-242 is repealed.

Section 4. This act is effective July 1, 2016.

(END)