

SENATE FILE NO. SF0060

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.

6

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

8

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

10

11 **35-1-243. Public health nursing.**

12

13 (a) In exercising its powers and duties under W.S.
14 35-1-240(a)(xx), the department of health may enter into
15 memoranda of understanding with the several counties

1 separately for the organization, management, delivery and
2 financing of public health nursing and related functions.

3 The county commissioners of each county shall have at least
4 the following choices for organizing public health nursing
5 and related functions:

6
7 (i) A partnership memorandum of understanding
8 system;

9
10 (ii) A state administered public health nursing
11 system with a county contribution; or

12
13 (iii) Subject to the limitation stated in
14 subsection (e) of this section, a system under which the
15 state contracts with a county for the provision of all or a
16 portion of the public health nursing and other public
17 health functions.

18
19 (b) A memorandum of understanding entered into
20 pursuant to this section may:

21
22 (i) Specify how the state and county employees
23 will be supervised and disciplined;

1

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

7

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

11

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

15

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

1 health nursing services are provided unless the department
2 consents to the change.

3

4 (d) If the commissioners of a county enter into a
5 memorandum of understanding to provide public health
6 nursing services under the system specified in paragraph
7 (a)(ii) of this section, at the request of the
8 commissioners of the county, county employee positions
9 assisting in providing public health functions may be
10 transferred to state at-will employee contract positions
11 under W.S. 9-2-1022(a)(xi)(F) or to permanent state
12 positions, provided that the number of positions
13 transferred under this subsection shall not exceed the
14 largest number of public health nursing positions in the
15 county between July 1 and December 31 of the year prior to
16 the transfer and providing that the applicable memorandum
17 of understanding addresses any wage or benefit differences
18 between state employees and employees whose positions are
19 transferred. The department may charge an administrative
20 fee and accept county or other local funds to defray the
21 cost of transferred positions as provided in the memorandum
22 of understanding. The funds shall be deposited by the state
23 treasurer in a separate account. The funds in the account

1 are continuously appropriated to the department of health
2 and shall be paid out upon request of the department as
3 provided by law. Positions transferred under this
4 subsection into state permanent positions shall be paid
5 benefits in the same manner and at the same rates as for
6 comparable state employees. The department's authorization
7 for employee positions shall be expanded by operation of
8 law to accommodate all positions transferred to the state
9 under this subsection and shall continue so long as the
10 county that requested the transfers satisfies its
11 obligations under its memorandum of understanding with the
12 department. Upon written notice to the transferred
13 employees and the county, the department shall terminate
14 any state positions created under this subsection upon a
15 county's failure to make all payments required by its
16 memorandum of understanding with the department or upon the
17 county's request. All positions created under this
18 subsection shall be included within the department's
19 standard or supplemental budget request.

20

21 (e) Any entity providing public health nursing
22 services under paragraph (a)(i) or (ii) of this section and
23 which maintains a city, county or district board of health

1 under W.S. 35-1-301 through 35-1-309 may enter into a
2 contract with the department to perform public health
3 nursing services under paragraph (a)(iii) of this section
4 pursuant to subsection (c) of this section. This
5 subsection and any contract made pursuant to it shall be
6 operable only for the period for which the department is
7 specifically authorized by law to transfer funds between
8 expenditure series for the purpose of making payments to
9 those entities that operate public health nursing services
10 pursuant to this subsection. The department's
11 authorization for employee positions shall be reduced
12 automatically to correspond with any transfer of funds from
13 a salary expenditure series to a contract series. All
14 contracts made pursuant to this subsection shall be
15 conditioned upon the availability of appropriate funding
16 and the authority to transfer funds as provided in this
17 subsection. A contract made pursuant to this subsection
18 shall provide, with as much specificity as is reasonable
19 and practical given the time available, the services to be
20 performed, the resources and other assistance to be
21 provided by the state and the outcomes expected.

22

1 (f) If the commissioners of two (2) or more counties
2 desire to form a joint powers board to manage all or part
3 of the public health functions in the respective counties,
4 the relevant memoranda of understanding may be modified
5 accordingly and may provide for transition to a joint
6 powers board upon its creation pursuant to the Wyoming
7 Joint Powers Act.

8
9 (g) The county commissioners of each county may
10 choose for all or a portion of their county to use, for the
11 delivery and management of public health nursing and
12 related functions, any existing organization which
13 currently delivers any or all public health services.

14
15 **Section 2.** W.S. 9-2-1022(a)(xi) by creating a new
16 subparagraph (G) is amended to read:

17
18 **9-2-1022. Duties of department performed through**
19 **human resources division.**

20
21 (a) Subject to subsection (b) of this section, the
22 department through the human resources division shall:

1 (xi) Promulgate reasonable rules:

2

3 (G) Which are necessary to accommodate the
4 movement of county or other local government employees in
5 and out of state employee positions as permitted by W.S.
6 35-1-243 and in consultation with the department of health.

7

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

9

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

11

12 (END)