



## Certification Page Regular and Emergency Rules

Revised May 2014

**Emergency Rules** *(After completing all of Sections 1 and 2, proceed to Section 5 below)*

**Regular Rules**

<b>1. General Information</b>			
a. Agency/Board Name Miner's Hospital Board			
b. Agency/Board Address 2001 W. Lakeway Road, 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. Adoption Date 9/12/2014	
i. Program General Agency, Board or Commission Rules			
<b>2. Rule Type and Information:</b> For each chapter listed, indicate if the rule is New, Amended, or Repealed.			
If "New," provide the Enrolled Act numbers and years enacted:			
c. Provide the Chapter Number, Short Title, and Rule Type of Each Chapter being Created/Amended/Repealed <i>(Please use the Additional Rule Information form for more than 10 chapters, and attach it to this certification)</i>			
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 Repealed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 Repealed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 Repealed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 Repealed
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 Repealed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 Repealed
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 Repealed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 Repealed
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 Repealed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 Repealed
d. <input checked="" type="checkbox"/> The Statement of Reasons is attached to this certification.			
e. If applicable, describe the <b>emergency</b> which requires promulgation of these rules without providing notice or an opportunity for a public hearing:			

### 3. State Government Notice of Intended Rulemaking

a. Date on which the Notice of Intent containing all of the information required by W.S. 16-3-103(a) was filed with the Secretary of State: 7-9-14

b. Date on which the Notice of Intent and proposed rules in strike and underscore format and a clean copy were provided to the Legislative Service Office: 7-9-14

c. Date on which the Notice of Intent and proposed rules in strike and underscore format and a clean copy were provided to the Attorney General: 7-9-14

### 4. Public Notice of Intended Rulemaking

a. Notice was mailed 45 days in advance to all persons who made a timely request for advance notice.  Yes  No  N/A

b. A public hearing was held on the proposed rules.  Yes  No

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

### 5. Final Filing of Rules

a. Date on which the Certification Page with original signatures and final rules were sent to the Attorney General's Office for the Governor's signature: 9-17-14

b. Date on which final rules were sent to the Legislative Service Office: 9-17-14

c. Date on which a PDF of the final rules was electronically sent to the Secretary of State: 9-17-14

### 6. Agency/Board Certification

The undersigned certifies that the foregoing information is correct.

Signature of Authorized Individual  
(Blue ink as per Rules on Rules, Section 7)

Mary Ellen Young

Printed Name of Signatory

MARY ELLEN Young

Signatory Title

EXECUTIVE DIRECTOR

Date of Signature

9-17-14

### 7. Governor's Certification

I have reviewed these rules and determined that they:

1. Are within the scope of the statutory authority delegated to the adopting agency;
2. Appear to be within the scope of the legislative purpose of the statutory authority; and, if emergency rules,
3. Are necessary and that I concur in the finding that they are an emergency.

Therefore, I approve the same.

Governor's Signature

Date of Signature

**Attorney General:** 1. Statement of Reasons; 2. Original Certification Page; 3. Summary of Comments (regular rules); 4. Hard copy of rules: clean and strike/underscore; and 5. Memo to Governor documenting emergency (for emergency rules only).

**LSO:** 1. Statement of Reasons; 2. Copy of Certification Page; 3. Summary of Comments (regular rules); 4. Hard copy of rules: clean and strike/underscore; 5. Electronic copy of rules (PDFs) emailed to [Criss.Carlson@wvleg.gov](mailto:Criss.Carlson@wvleg.gov): clean and strike/underscore; and 6. Memo to Governor documenting emergency (for emergency rules only).

**SOS:** 1. PDF of clean copy of rules; and 2. Hard copy of Certification Page as delivered by the AG.

## **Miner's Hospital Board**

### **Statement of Principal Reasons**

#### **Proposed Rule Changes Chapter 1 - General Provisions**

##### **Revision Summary**

###### Section 4. Definitions.

Definitions were 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. Chair.

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**

##### **Revision Summary**

###### Section 1. Definitions

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.

Although some of the definitions also appear in the statute, and could be considered repetitive, those definitions actually address qualifications for eligibility. The concern is that omitting those definitions from the rules, might lead to confusion regarding the eligibility requirements.

###### Section 2. Eligibility for Services

The Board revised requirements to register for benefits from 12 consecutive months to 60 total months of service within a 10 year time frame. The WMH Board understands this may be a controversial rule change but felt strongly that 12 consecutive months allowed for too many benefits to be paid out to miners that were not related to employment as a miner, possibly genetic or pre-existing. Our goal was to comply with the intent of the recently modified statute, and exclude those applicants who only worked as miners on an occasional or incidental basis.

W.S. 30-06-102 (b) (i) Stipulates that “the board shall serve disabled and incapacitated miners in this state with emphasis on pulmonary/respiratory, hearing loss, cardiac and musculoskeletal conditions of miners due to labor in the mining industry.” The board understands that miners may suffer these health conditions due to reasons other than because of mining, but long term miners have a substantial increase of wear and tear on their bodies due the work they perform as a miner. It is easy to clarify an on-the-job accident/incident as qualifying for Worker’s Compensation, and nearly impossible to have a doctor testify that a miner has a rotator cuff problem (as an example) due to his/her employment as a miner. It is the belief of the Board that the monies that make up the WMH Fund was to take care of those miners that have suffered health problems due to a less safe environment that was present years ago, or for those miners that have more than a brief history of mining. The fact that a miner with one year of service has the same benefits as a miner with 20 or 30 years of service has been deemed “unfair” and brought to our attention many times by active and retired miners. The legislature’s recent statutory amendments clearly represent’s its support for these changes as well.

Last, but not least, is the financial impact of registering all miners with only 12 months of mining employment. As of December 31, 2008 there were 2,729 miners registered and 2,729 claims processed for the amount of \$435,278. As of May 30, 2014, there were 7,720 miners registered, 15,208 claims processed for the amount of \$1,074,244. That is a 182% increase in registered miner and a 147% increase in dollar amount of claims paid. Since our benefits are payable for life to Wyoming residents, it is foreseeable that the WMH Board would be paying for the above mentioned health conditions 20 to 30 years after a miner was employed for 1 year. The fund will not be able to meet those needs if the registration requirements stay the same.

### Section 3. Benefit Programs.

Subsection (i), (A), (B) of (a) was removed to be placed in the Administrative Procedures book for the WMH Board. This was done for clarification and to condense our Rules.

## Section 7. Hearing Aids.

Wording was added to clarify that only miners doing service with hearing aid providers who have signed a Letter of Agreement with Employment Benefit Management Services, our Third Party Administrator, will be eligible for the maximum of \$2,000 in hearing aid benefits.

## 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.

(i) 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.

(j) 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.

(k) 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 54. 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.

(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:

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(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.

(i) 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.

(j) 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.

(k) 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 98. 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 ~~409~~ . 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 ~~410~~. 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 MINER

#### Section 1. **Definitions.**

(a) “Domicile” means that place where a person has his true, fixed and permanent home to which whenever the person is temporarily absent the person has the intention of returning. To prove domicile in Wyoming under the act a person shall be able to establish that he:

- (i) Physically resides in Wyoming,
- (ii) Has made his permanent home in Wyoming,
- (iii) Is not residing in Wyoming for a special or temporary purpose,
- (iv) Has abandoned his domicile in all other states, territories or countries.

(b) “Mine” means an area of land from which minerals, coal or other geological materials are extracted and processed in nonliquid form or, if in liquid form, through an in situ leach process.

(c) “Miner” means a current resident of Wyoming who has worked in a mine in this state or a contiguous state, who is 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 persons providing labor or services at the mine or plant or qualifying processing or conversion facility on a continuing and regular basis whether employed by the mine owner or operator or hired on a contract basis. “Miner” shall not include persons providing labor or services at the mine or qualifying processing or conversion facility on an occasional or incidental basis:

(i) “Occasional” means employment at a mine or qualifying processing or conversion facility that is incidental and of an irregular occurrence or of scattered instances.

(ii) “Incidental” means employment 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.

(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” means a United States citizen or legal alien who meets the requirements specified above.

(f) “Working at a mine means” a miner who works, or has worked, at or near the point of extraction of a mineral, is engaged in milling or preparing the mineral for use or shipment, removing overburden, removing waste rock from an underground mine, or whose work provides or provided direct support to those activities.

(i) Mechanics, welders, electricians, drill and blast personnel, surveyors, utility workers, as well as individuals engaged in shipping and receiving, engineering, safety, supervision and other work activities essential for the mining, processing and shipping of minerals as determined by the Board are eligible for Board services and benefits.

(ii) Employment in plants which manufacture minerals into separate products and that were not engaged in the extraction process or original milling or preparing the mineral for use or shipment, are not eligible for benefits.

## Section 2. **Eligibility for Services.**

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

(i) Obtain a Board registration form, 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:

(A) Sixty (60) total months of service within a span of 10 years (120 months) time period at a mine, plant or qualifying processing or conversion facility in Wyoming or a contiguous state and;

(B) 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

(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 – Must meet the requirements of Section 1, A by using any of the following: Voter registration; current Wyoming driver's license; current Wyoming identification card; 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) Employment as a miner - Employment records; W-2 forms; pension verification letters; Social Security records; or any other information which is acceptable to the board that verifies employment as a miner.

(iii) 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.

(c) An individual may be required to submit additional evidence of eligibility for registration or to receive services or benefits.

(d) The Board may require renewal of registrations from time to time. A miner who fails to renew his/her registration on or before the deadline is not eligible for benefits. Such a miner may renew his/her registration after the deadline, but is not eligible for benefits during any period in which he/she was not registered.

### Section 3. **Benefit Programs.**

In order to provide benefits 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. 30-6-104, benefits for all miners are established as follows:

(a) A Medical Assistance Benefit 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 current Board Administrative procedures.

(b) A Hearing Aid Benefit of not more than two thousand dollars (\$2,000.00) toward the purchase of new or replacement hearing aids in accordance with current Board Administrative procedures.

#### **Section 4. Eligibility for Medical Assistance Benefit.**

(a) To be eligible for the Medical Assistance Benefit an individual must:

(i) Have completed a Board registration form, and have established eligibility as provided 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 be submitted as evidence of an individual's eligibility for the benefit:

(i) **Diagnosis of Condition.** Written statement of physician or any other information which verifies the condition and need for treatment.

(ii) **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) **Out-of-Pocket Expenses.** Statement of medical provider; statement from health insurance company; or statement under penalty of perjury from miner, miner's next-of-kin or personal representative.

## **Section 5. Acceptance of Claims.**

(a) Claims for 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.

(b) Claims for Prescription Drug Assistance:

(i) 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) Miners with no insurance may request a Prescription Hardship. The Hardship will be determined on a case by case basis and will be issued a Miner's Hospital Identification Card which 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 must be renewed every October.

(c) Claims will be accepted on a first received/first accepted basis.

(d) Accepted claims will only be paid on a funds available basis. Once the funds budgeted for the initial period or a calendar year are exhausted, no further claims for services provided during that period or calendar year will be paid.

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

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

## **Section 6. Payment of Accepted Claims.**

All payments except reimbursement for covered prescription drugs will be made directly to medical providers or pharmacies. Payment for prescription drug reimbursement may be made directly to individuals.



Section 7. **Hearing Aids.**

Payment of up to two thousand dollars (\$2,000) will be made to those providers that have been approved by the Board and have signed a Letter of Agreement with the Board's Third Party Administrator to one thousand five hundred dollars (\$1,500.00) to other providers. Benefits received for hearing aids are not included in the Medical Assistance Benefit.

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

The denial of registration, services or benefits shall be in accordance with the Board's Administrative procedures.

## CHAPTER 2

### SERVICES FOR MINER

#### Section 1. **Definitions.**

(a) “Domicile” means that place where a person has his true, fixed and permanent home to which whenever the person is temporarily absent the person has the intention of returning. To prove domicile in Wyoming under the act a person shall be able to establish that he:

- (i) Physically resides in Wyoming,
- (ii) Has made his permanent home in Wyoming,
- (iii) Is not residing in Wyoming for a special or temporary

purpose,

(iv) Has abandoned his domicile in all other states, territories or countries.

(b) “Mine” means an area of land from which minerals, coal or other geological materials are extracted and processed in nonliquid form or, if in liquid form, through an in situ leach process.

(c) “Miner” means a current resident of Wyoming who has worked in a mine in this state or a contiguous state, who is 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 persons providing labor or services at the mine or plant or qualifying processing or conversion facility on a continuing and regular basis whether employed by the mine owner or operator or hired on a contract basis. “Miner” shall not include persons providing labor or services at the mine or qualifying processing or conversion facility on an occasional or incidental basis:

(i) “Occasional” means employment at a mine or qualifying processing or conversion facility that is incidental and of an irregular occurrence or of scattered instances.

(ii) “Incidental” means employment 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.

(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” means a United States citizen or legal alien who meets the requirements specified above.

(f) “Working at a mine means” a miner who works, or has worked, at or near the point of extraction of a mineral, is engaged in milling or preparing the mineral for use or shipment, removing overburden, removing waste rock from an underground mine, or whose work provides or provided direct support to those activities.

(i) Mechanics, welders, electricians, drill and blast personnel, surveyors, utility workers, as well as individuals engaged in shipping and receiving, engineering, safety, supervision and other work activities essential for the mining, processing and shipping of minerals as determined by the Board are eligible for Board services and benefits.

(ii) Employment in plants which manufacture minerals into separate products and that were not engaged in the extraction process or original milling or preparing the mineral for use or shipment, are not eligible for benefits.

#### Section 4-2. **Eligibility for Services.**

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

(i) Obtain a Board registration form, 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~~ Sixty (60) total months of service within a span of 10 years (120 months) time period at a mine site , plant or qualifying processing or conversion facility in Wyoming or a contiguous state and;

(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 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

(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 – Must meet the requirements of Section 1, A by using 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) Employment as a miner - Employment records; W-2 forms; pension verification letters; Social Security records; ~~notarized attestation by third parties with personal knowledge of the individual's employment as a miner;~~ or any other information which is acceptable to the board that verifies employment as a miner.

(iii) 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.

(c) An individual may be required to submit additional evidence of eligibility for registration or to receive services or benefits.

(d) The Board may require renewal of registrations from time to time. A miner who fails to renew his/her registration on or before the deadline is not eligible for benefits. Such a miner may renew his/her registration after the deadline, but is not eligible for benefits during any period in which he/she was not registered.

### Section-2 ~~3~~. **Benefit Programs.**

In order to provide benefits 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) 104, benefits for all miners are established as follows:

(a) A Medical Assistance Benefit 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 current Board Administrative procedures.

(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 Hearing Aid Benefit of not more than two thousand dollars (\$2,000.00) toward the purchase of new or replacement hearing aids in accordance with current Board Administrative procedures.

#### **Section-3.4. Eligibility for Medical Assistance Benefit.**

(a) To be eligible for the Medical Assistance Benefit an individual must:

(i) Have completed a Board registration form, and have established eligibility as provided 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 be submitted as evidence of an individual's eligibility for the benefit:

(i) **Diagnosis of Condition.** Written statement of physician or any other information which verifies the condition and need for treatment.

(ii) **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) Out-of-Pocket Expenses. Statement of medical provider; statement from health insurance company; or statement under penalty of perjury from miner, miner's next-of-kin or personal representative.

#### **Section 4-5. Acceptance of Claims.**

(a) Claims for 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.

(b) Claims for Prescription Drug Assistance:

(i) 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) Miners with no insurance may request a Prescription Hardship. The Hardship will be determined on a case by case basis and will be issued a Miner's Hospital Identification Card which 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 must be renewed every October.

(c) Claims will be accepted on a first received/first accepted basis.

(d) Accepted claims will only be paid on a funds available basis. Once the funds budgeted for the initial period or a calendar year are exhausted, no further claims for services provided during that period or calendar year will be paid.

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

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

**Section 5-6. Payment of Accepted Claims.**

All payments except reimbursement for covered prescription drugs will be made directly to medical providers or pharmacies. Payment for prescription drug reimbursement may be made directly to individuals.

**Section 67. Hearing Aids.**

Payment of up to two thousand dollars (\$2,000) will be made to those providers that have been approved by the Board and have signed a Letter of Agreement with the Board's Third Party Administrator ~~on the Board's preferred provider list and of~~, up to one thousand five hundred dollars (\$1,500.00) to other providers. Benefits received for hearing aids are not included in the Medical Assistance Benefit.

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

The denial of registration, services or benefits shall be in accordance with the Board's Administrative procedures.