

SENATE FILE NO. SF0091

Wyoming state training school-name change.

Sponsored by: Senator(s) Case and Representative(s)  
 Martin, Miller and McOmie

A BILL

for

1 AN ACT relating to state institutions; changing the name of  
 2 the Wyoming state training school to the Wyoming  
 3 therapeutic resource center; deleting archaic language;  
 4 providing a definition; 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. 3-3-501(a), 3-3-504, 9-2-106(d),  
 10 9-2-2005(c)(iv)(B), 14-6-219(b) through (d),  
 11 23-2-207(a)(ii), 25-1-201(a)(iv), 25-5-101, 25-5-102(a) by  
 12 creating a new paragraph (xiii) and by renumbering (xiii)  
 13 as (xvi), 22-5-103, 25-5-104, 25-5-105(a)(iii) and (iv),  
 14 25-5-106, 25-5-107, 25-5-108(a) and (b), 25-5-109(c) and  
 15 (d), 25-5-114, 25-5-115(a)(intro) and (ii), 25-5-116,  
 16 25-5-117(a)(intro) and (b), 25-5-119(a) and (c),

1 25-5-120(b) (iv), 25-5-121(e) and (f), 25-5-123,  
2 25-5-124(a), 25-5-125, 25-5-126(a) (i), (ii) and (b),  
3 25-5-128, 25-5-131(b) (iii) and (v), 25-5-132(a) and (b),  
4 25-5-134 and 25-5-135 are amended to read:

5

6 **3-3-501. Designation of conservators; exception.**

7

8 (a) The superintendent of the Wyoming ~~state training~~  
9 ~~school~~ therapeutic resource center is appointed conservator  
10 of the estate of:

11

12 (i) Each adult admitted to the Wyoming ~~state~~  
13 ~~training school~~ therapeutic resource center unless a  
14 conservator or other duly authorized agent has already been  
15 appointed for the person; and

16

17 (ii) Each minor with an estate of more than five  
18 thousand dollars (\$5,000.00) admitted to the ~~institution~~  
19 center unless a conservator has already been appointed for  
20 the minor.

21

22 **3-3-504. Transfer of funds to court appointed**  
23 **conservator.**

24

1 If a conservator for a minor or incompetent person is  
2 appointed by a court of this state after the person has  
3 been admitted to the Wyoming ~~state training school~~  
4 therapeutic resource center or the Wyoming state hospital,  
5 the conservatorship created for the ward under this article  
6 shall terminate and all money and property of the ward in  
7 the possession of the conservator appointed under this  
8 article shall be delivered to the court appointed  
9 conservator upon proof of his appointment and  
10 qualification.

11

12 **9-2-106. Duties and powers of director of department.**

13

14 (d) The director may authorize the Wyoming ~~state~~  
15 ~~training school~~ therapeutic resource center, the Wyoming  
16 state hospital, the Wyoming pioneer home, the veterans'  
17 home of Wyoming and the Wyoming retirement center to  
18 provide services to persons with conditions other than  
19 those specified in the provisions governing those state  
20 institutions in title 25 of the Wyoming statutes when the  
21 director determines that there is a need for such services,  
22 that the services can be provided effectively by the  
23 institution, that the services will be delivered in a  
24 manner that assures the safety of all individuals served by

1 the institution and the services provided are statutorily  
2 authorized for any of these institutions, the service needs  
3 are similar to those authorized for any of these  
4 institutions or the services are necessary to protect the  
5 public health and safety. The director may promulgate rules  
6 and regulations and policies and procedures necessary to  
7 implement this subsection. Nothing in this subsection shall  
8 be construed to authorize the director to eliminate  
9 services that are otherwise required by statute. The  
10 director shall report to the joint labor, health and social  
11 services interim committee no later than October 1 of odd  
12 numbered years with respect to the status of any actions  
13 taken under this subsection and the results of those  
14 actions.

15

16 **9-2-2005. Department of health created; director**  
17 **appointed; structure.**

18

19 (c) The following agencies are assigned to the  
20 department of health under a Type 1 transfer:

21

22 (iv) The following state institutions:

23

1 (B) Wyoming ~~state training school~~  
2 therapeutic resource center;

3

4 **14-6-219. Physical and mental examinations;**  
5 **involuntary commitment of incompetents; subsequent**  
6 **proceedings.**

7

8 (b) If a child has been committed to a medical  
9 facility or institution for mental examination prior to  
10 adjudication of the petition and if it appears to the court  
11 from the mental examination that the child is competent to  
12 participate in further proceedings and is not suffering  
13 from mental illness or mental retardation to a degree  
14 rendering the child subject to involuntary commitment to  
15 the Wyoming state hospital or the Wyoming ~~state training~~  
16 ~~school~~ therapeutic resource center, the court shall order  
17 the child returned to the court without delay.

18

19 (c) If it appears to the court by mental examination  
20 conducted before adjudication of the petition that a child  
21 alleged to be delinquent is incompetent to participate in  
22 further proceedings by reason of mental illness or mental  
23 retardation to a degree rendering the child subject to  
24 involuntary commitment to the Wyoming state hospital or the

1 Wyoming ~~state training school~~ therapeutic resource center,  
2 the court shall hold further proceedings under this act in  
3 abeyance. The district attorney shall then commence  
4 proceedings in the district court for commitment of the  
5 child to the appropriate institution as provided by law.

6  
7 (d) The juvenile court shall retain jurisdiction of  
8 the child on the petition pending final determination of  
9 the commitment proceedings in the district court. If  
10 proceedings in the district court commit the child to the  
11 Wyoming state hospital, the Wyoming ~~state training school~~  
12 therapeutic resource center or any other facility or  
13 institution for treatment and care of the mentally ill or  
14 the mentally retarded, the petition shall be dismissed and  
15 further proceedings under this act terminate. If  
16 proceedings in the district court determine the child is  
17 not mentally ill or mentally retarded to a degree rendering  
18 him subject to involuntary commitment, the court shall  
19 proceed to a final adjudication of the petition and  
20 disposition of the child under the provisions of this act.

21

22 **23-2-207. Special limited fishing permit for**  
23 **hospitalized veterans, residents of state institutions,**

1 **court placed children and residents of licensed nursing**  
2 **care facilities.**

3

4 (a) Upon an appropriate form furnished by the  
5 appropriate institution or facility as prescribed by rule  
6 and regulation of the commission, a special limited fishing  
7 permit may be issued without charge by:

8

9 (ii) The department of health or the department  
10 of family services to any resident in the veterans' home of  
11 Wyoming, Wyoming state hospital, Wyoming ~~state training~~  
12 ~~school~~ therapeutic resource center, Wyoming boys' school  
13 and the Wyoming girls' school, which entitles the  
14 institutionalized resident to fish while under the direct  
15 control of the appropriate institution;

16

17 **25-1-201. Establishment of state institutions.**

18

19 (a) The following state institutions are established:

20

21 (iv) The Wyoming ~~state training school~~  
22 therapeutic resource center at Lander, Wyoming;

23

24 **25-5-101. Short title.**

1

2 This act may be cited as the "~~Training School Act of 1981~~  
3 Therapeutic Resource Center Act".

4

5 **25-5-102. Definitions.**

6

7 (a) As used in this act:

8

9 (xiii) "Center" means the Wyoming therapeutic  
10 resource center at Lander, Wyoming;

11

12 ~~(xiii)~~(xvi) "This act" means W.S. 25-5-101  
13 through 25-5-135.†

14

15 **25-5-103. Wyoming therapeutic resource center**  
16 **established; purpose.**

17

18 Except as otherwise authorized by rules and regulations  
19 promulgated in accordance with W.S. 9-2-106(d), the Wyoming  
20 ~~state training school~~therapeutic resource center is  
21 established for the diagnosis, evaluation, education,  
22 training, custody and care of mentally retarded persons.

23

24 **25-5-104. Administration and management of center.**



1

2 The administration and management of the ~~training school~~  
3 center is vested in the department.

4

5 **25-5-105. Rules and regulations.**

6

7 (a) Within two (2) years after the effective date of  
8 this act the department shall adopt rules and regulations  
9 which:

10

11 (iii) Provide for the administration of the  
12 ~~training school~~ center;

13

14 (iv) Prescribe professional standards for  
15 personnel employed at the ~~training school~~ center; and

16

17 **25-5-106. Donations for benefit of center; control**  
18 **and disposition thereof.**

19

20 Money, personal property or real estate donated for the  
21 benefit of the ~~training school~~ center shall be held,  
22 controlled and distributed by the department according to  
23 the conditions of the donation. If there are no conditions

1 of the donation, it shall be disposed of as provided in  
2 W.S. 25-5-107.

3

4 **25-5-107. Disposition of monies received from sale of**  
5 **products or as compensation.**

6

7 Except as provided by W.S. 25-5-106, all monies received by  
8 the department for the residents in the ~~training school~~  
9 ~~center~~ from the sale of products produced or grown by the  
10 ~~training school~~ ~~center~~ or as compensation from any source  
11 shall be deposited in the state treasury and credited to  
12 the general fund.

13

14 **25-5-108. Appointment of administrator; duties;**  
15 **removal.**

16

17 (a) The director shall appoint a superintendent of  
18 the ~~training school~~ ~~center~~.

19

20 (b) The superintendent shall administer the ~~training~~  
21 ~~school~~ ~~center~~ as directed by the director.

22

23 **25-5-109. Inability or refusal to pay for services.**

24

1 (c) No person shall be denied admission to or  
2 services by the ~~training school~~ center because of the  
3 inability of the person, his parent or guardian to pay the  
4 cost of the services received.

5

6 (d) No person shall be denied admission to or  
7 services by the ~~training school~~ center because of the  
8 refusal of the ~~resident's~~ person's parent or guardian to  
9 pay the cost of the services received.

10

11 **25-5-114. Eligibility for admission; appropriateness**  
12 **of services; effect of criminal conviction or charge.**

13

14 (a) Except as otherwise authorized by rules and  
15 regulations promulgated in accordance with W.S. 9-2-106(d),  
16 a person shall not be admitted to the ~~training school~~  
17 center if his preadmission evaluation indicates that he  
18 would be more appropriately served by the Wyoming state  
19 hospital, a community program or a public school program.

20

21 (b) A person convicted of a criminal act shall not be  
22 admitted to the ~~training school~~ center unless the  
23 preadmission evaluation indicates that the act was due  
24 directly to mental retardation, or that the person can

1 benefit from resident services without penal restrictions.  
2 A person charged with a criminal act shall not be admitted  
3 to the ~~training school~~ center pending disposition of the  
4 charge.

5

6 **25-5-115. Preadmission screening for residential**  
7 **services; preparation and supervision thereof; disposition**  
8 **of findings.**

9

10 (a) Admission to the ~~training school~~ center shall be  
11 based upon the preadmission evaluation:

12

13 (ii) The preadmission evaluation shall be  
14 completed in not less than forty-eight (48) hours and not  
15 more than thirty (30) days after an application for  
16 admission has been made to the ~~training school~~ center;

17

18 **25-5-116. Individual program plan; preparation and**  
19 **supervision thereof; review.**

20

21 Each resident admitted to the ~~training school~~ center after  
22 July 1, 1981, shall have on file at the ~~training school~~  
23 center an individual program plan. ~~Each resident admitted~~  
24 ~~prior to July 1, 1981, shall have an individual program~~

1 ~~plan on file within two (2) years of the effective date of~~  
2 ~~this act.~~ The individual program plans shall be prepared by  
3 an interdisciplinary team under the supervision of the  
4 superintendent. The plan shall be reviewed at least  
5 annually by the interdisciplinary team.

6  
7 **25-5-117. Admission for residential services;**  
8 **application and contents thereof; written copy of rights;**  
9 **appeal of denied admissions.**

10  
11 (a) A person determined by the preadmission  
12 evaluation to be eligible for admission to the ~~training~~  
13 ~~school~~ center for residential services may be admitted as a  
14 voluntary resident under one (1) of the following  
15 procedures:

16  
17 (b) An application for admission shall contain the  
18 nature and degree of the proposed resident's disability and  
19 the circumstances showing that the ~~training school~~ center  
20 is the most therapeutic available facility appropriate for  
21 the proposed resident.

22  
23 **25-5-119. Involuntary admissions; application to**  
24 **district court; representation of proposed resident;**

1 **preadmission screening; notice; hearing; independent**  
2 **screening; admissibility.**

3

4 (a) A person may be an involuntary resident of the  
5 ~~training school~~center if admitted pursuant to this  
6 section. Application for involuntary admission may be made  
7 by a parent, a guardian, the superintendent or a social  
8 service agency. The application shall be filed with the  
9 district court in the county where the proposed resident,  
10 his parent or his guardian resides.

11

12 (c) The court shall order the ~~training school~~center  
13 to conduct a preadmission evaluation of the proposed  
14 resident. Notice of the order shall be served on the  
15 proposed resident, his attorney and his parent or guardian.  
16 The order and the application for admission shall be served  
17 on the ~~training school~~center and the department. If the  
18 preadmission evaluation report finds the ~~training school~~  
19 center would be an appropriate placement, the court shall  
20 order a hearing. The proposed resident shall have a right  
21 to seek an independent evaluation of his eligibility for  
22 admission at the state's expense. The evaluation shall be  
23 admissible as evidence at the hearing as provided by W.S.  
24 25-5-121(d).

1

2

**25-5-120. Court order setting hearing on involuntary application; service of notice; waiver.**

3

4

5

(b) The order setting the hearing shall contain:

6

7

(iv) The consequences of a finding that a person shall be admitted to the ~~training school~~ center for resident services.

9

10

11

**25-5-121. Rights of proposed resident and notified persons; confidentiality of hearing; admissibility of screening reports; findings by court or jury; amendment of admission order.**

12

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(e) If the court or jury finds that specific care, treatment and service alternatives are available which are more appropriate than the ~~training school~~ center for the proposed resident, the application shall be denied. If the court or jury finds by clear and convincing evidence that admission to the ~~training school~~ center would provide the most appropriate services for the proposed resident, the court shall order the admission. In case of a nonjury

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1 hearing, the court shall enter findings of fact with the  
2 order of admission.

3

4 (f) The proposed resident or if a minor or  
5 incompetent, his parents, guardian or guardian ad litem or  
6 the ~~training school~~ center may petition the court to amend  
7 its order of admission on the grounds that appropriate and  
8 necessary services to the proposed resident are available  
9 in a less restrictive environment than the ~~training school~~  
10 center. The court may amend its order after notice and  
11 hearing pursuant to this act.

12

13 **25-5-123. Preadmission medical examination;**  
14 **physician's report as to communicable disease.**

15

16 Every resident shall be examined by a licensed physician  
17 not more than four (4) days prior to the date of admission  
18 to the ~~training school~~ center. Every resident shall present  
19 to the ~~training school~~ center a physician's report stating  
20 when and where the resident was examined, that the resident  
21 is free from any communicable disease in its infectious or  
22 contagious stage and that the resident is not known to have  
23 been recently exposed to a communicable disease.

24



1           **25-5-124. Discharge of clients by superintendent or**  
2 **by court; appeals to department.**

3

4           (a) An interdisciplinary team may recommend to the  
5 superintendent discharge of a resident from the ~~training~~  
6 ~~school-center~~ when placement in a less restrictive and more  
7 therapeutic environment is appropriate for the resident's  
8 needs and abilities. Based on the recommendations of the  
9 team, and with the consent of the resident, or his parent  
10 or guardian if he is a minor or incompetent, the  
11 superintendent shall place the resident in the least  
12 restrictive alternative environment. The superintendent may  
13 discharge the resident when the resident has been  
14 appropriately placed in an alternative program. If the  
15 resident was admitted under a court order, the  
16 superintendent shall petition the court, pursuant to W.S.  
17 25-5-121(f).

18

19           **25-5-125. Transfer of clients for temporary care and**  
20 **treatment; consent; costs to be paid by school; third-party**  
21 **obligations not limited.**

22

23 If the superintendent determines it is appropriate for the  
24 welfare of a resident, the resident may be placed for

1 temporary care and treatment in any public or private  
2 hospital, institution or residence in the state which  
3 provides services which will benefit the resident. The  
4 transfer shall not be made without the consent of the  
5 resident and his parents or guardian, or in the case of an  
6 involuntary resident, without leave of the court, except in  
7 cases of medical emergency. During and after the transfer,  
8 the resident remains a resident of the ~~training school~~  
9 center. The cost of the transfer and of the temporary  
10 treatment, care and training provided shall be borne by the  
11 ~~training school~~ center. This section does not limit the  
12 responsibility of third parties to pay for medical and  
13 other expenses incurred by contract or law.

14

15 **25-5-126. Contracts with other states for interstate**  
16 **transfer of clients; payment of expenses therefor.**

17

18 (a) The department may enter into contracts with  
19 other states to provide for:

20

21 (i) The admission to ~~institutions~~ facilities,  
22 schools or hospitals in other states of persons admitted to  
23 or entitled to admission in the ~~training school~~ center,  
24 when it can be shown that admission to a facility in

1 another state is in the best interests of the person and  
2 the state of Wyoming;

3

4 (ii) The admission to the ~~training school~~ center  
5 of residents of other states when it can be shown that  
6 admission to the ~~training school~~ center is in the best  
7 interests of the person and the state of Wyoming, and that  
8 the person's need for resident services has been determined  
9 in accordance with this act.

10

11 (b) The expense of transferring persons from the  
12 ~~training school~~ center to other states shall be paid by the  
13 ~~training school~~ center. The expense of transferring persons  
14 from other states to the ~~training school~~ center shall be  
15 paid by the state making the transfer to the ~~training~~  
16 ~~school~~ center.

17

18 **25-5-128. Location and return of clients absent**  
19 **without leave.**

20

21 If a resident leaves the ~~training school~~ center without the  
22 knowledge and written consent of the superintendent, the  
23 superintendent shall locate the resident and arrange for  
24 his return to the ~~training school~~ center.

1

2           **25-5-131. Confidentiality of records; exceptions;**  
3 **penalties for violations.**

4

5           (b) The superintendent may provide access to the  
6 records of a resident, former resident or proposed resident  
7 by:

8

9           (iii) A person authorized by the subject of the  
10 records, or by his parent or guardian if he is a minor or  
11 incompetent, to evaluate the subject's eligibility for  
12 admission to the ~~training school~~center or to determine  
13 whether his residence is the most appropriate and least  
14 restrictive, therapeutic environment for the subject;

15

16           (v) Qualified employees of the department and  
17 the ~~state training school~~center and professional persons  
18 while in the performance of their official duties.

19

20           **25-5-132. No determination of incompetency;**  
21 **notification of rights; deniable rights and conditions**  
22 **therefor; undeniable rights.**

23

1           (a) The determination that a person is eligible for  
2 admission to the ~~training school~~ center is not a  
3 determination or adjudication that the person is  
4 incompetent.

5

6           (b) Upon admission to the ~~training school~~ center for  
7 residential services, a resident shall be informed orally  
8 and in writing of his rights under this section. If the  
9 resident is a minor, or incompetent, his parents, guardian  
10 or guardian ad litem shall be informed orally and in  
11 writing of his rights under this section.

12

13           **25-5-134. Employment of clients within center; wages;**  
14 **duties; discharge for cause.**

15

16 Residents who are employed within the ~~institution~~ center  
17 shall be paid a reasonable wage based upon the nature of  
18 the employment and the productivity of the resident. The  
19 superintendent shall prescribe the duties and assignment of  
20 the resident employee and may discharge the resident from  
21 employment for cause.

22

23           **25-5-135. Medications aides.**

24

1 Any person trained and qualified as a medication aide may  
2 administer medications in basic resident care situations at  
3 the ~~training school~~ center. The ~~training school~~ center  
4 shall develop curricula, certification criteria and  
5 protocols concerning administration of medications and use  
6 of medication aides. Every medication aide shall perform  
7 the duties authorized under this section under the  
8 direction of a person licensed by the laws of this state to  
9 administer medications. The direction of medication aides  
10 shall not constitute an unlawful delegation of professional  
11 duties by the licensed nurse or other professional licensed  
12 to administer medications.

13

14 **Section 3.** This act is effective July 1, 2007.

15

16

(END)