



Certification Page Regular and Emergency Rules

1. General Information

a. Agency/Board Name <i>See attached list for references</i>			
b. Agency/Board Address		c. Agency/Board City	d. Agency/Board Zip Code
e. Name of Contact Person		f. Contact Telephone Number	
g. Contact Email Address			h. Adoption Date:
i. Program(s) <i>See attached list for references</i>			

2. Rule Type and Information

a. These rules are: **Emergency Rules** *(After completing all of Section 2, proceed to Section 5 below)* **Regular Rules**

b. Choose all that apply: **New Rules*** **Amended Rules** **Repealed Rules**
** "New" rules means the first set of regular rules to be promulgated by the Agency after the Legislature adopted a new statutory provision or significantly amended an existing statute.*

If "New," provide the Enrolled Act number and year enacted:

c. Provide the Chapter Number, and Short Title of Each Chapter being Created/Amended/Repealed <i>(if more than 5 chapters are being created/amended/repealed, please use the Additional Rule Information form and attach it to this certification)</i>	Chapter Number:	Short Title:
	Chapter Number:	Short Title:

d. The Statement of Reasons is attached to this certification.

e. If applicable, describe the emergency 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**:

b. Date on which the Notice of Intent and proposed rules in strike and underscore format were provided to the **Legislative Service Office**:

c. Date on which the Notice of Intent and proposed rules in strike and underscore format were provided to the **Attorney General**:

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:
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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:**

b. Date on which final rules were sent to the **Legislative Service Office:**

c. Date on which a PDF of the final rules was electronically sent to the **Secretary of State:**

6. Agency/Board Certification

The undersigned certifies that the foregoing information is correct.

<i>Signature of Authorized Individual</i>	
<i>Printed Name of Signatory</i>	
<i>Signatory Title</i>	
<i>Date of Signature</i>	

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.

<i>Governor's Signature</i>	
<i>Date of Signature</i>	

Distribution List:

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 (emergency rules).

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: clean and strike/underscore; and
6. Memo to Governor documenting emergency (emergency rules).

SOS

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

STATEMENT OF PRINCIPAL REASONS

The Miners' Hospital Board proposes to amend Chapters 1 and 2 of its Rules in order to clarify definitions and eligibility for benefits and to align benefits more closely with the original intent of the funds. The major change in Chapter 2 limits the Miners' Medical Assistance Program to miners who are 50 or over or physically unable to work as a miner. The Board feels that the pulmonary/respiratory, cardiac, and musculoskeletal conditions the programs cover develop due to the cumulative effects of employment in mining and that the conditions become symptomatic around age 50. These changes will assist the Board in keeping its expenditures for benefits within the funds available and budgeted.

CHAPTER 1

GENERAL PROVISIONS

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

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

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

Section 4. **Definitions.**

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

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

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

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

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

Section 5. **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 6. **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 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 shall be authorized to execute any contracts in the name of the State Miner's Hospital Board, with Board approval.

Section 7. **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 8. **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.

(i) 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:

(A) The date, time and place of the meeting;

(B) The presiding officer;

(C) Members and guests in attendance;

(D) Items discussed and disposition taken during the meeting;

(E) Action taken to recess to executive session with purpose and time stated; and

(F) Time of adjournment.

(ii) 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.

(iii) 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.

(iv) 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 9. 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 mail 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 shall be authorized to approve vouchers and requests for payment consistent with the policies and procedures of the Wyoming State Auditor's Office. 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 10. **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 11. 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 I

GENERAL PROVISIONS

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(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 ~~for at least twelve (12) months immediately prior to the date of application.~~

Section 5. **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 6. **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 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.

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(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 ~~the Secretary~~ 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 ~~shall~~ 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 ~~the secretary~~ 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) The Secretary shall attend meetings, unless otherwise directed, and shall be responsible for taking the minutes and preparing the same for dissemination to the Board members and for approval.~~

~~(e) The Secretary shall keep a file of all minutes and~~ (d) Secretaries shall perform ~~other~~ duties as directed by the Board or the Executive Director.

Section 8. **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.

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

Section 11. **Office.**

~~The office of the~~ The State Miner's Hospital Board ~~shall be~~ may have offices located in ~~Rock Springs, or Gillette or Casper~~ Sweetwater, Campbell, or Natrona County, Wyoming. The executive director shall maintain ~~the State Miner's Board Office~~ 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/or~~ 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 s to create a presence for the Board, its activities and interaction with the public.

CHAPTER 2

SERVICES FOR MINERS

Section 1. **Eligibility for Services.**

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

(i) Be a miner who works, or has worked, at or near the point of extraction of a mineral, 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.

(A) 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 are eligible for Board services and benefits.

(B) Office workers and other individuals having only casual or no direct contact with the mining process are not eligible for Board services and benefits.

(C) Persons employed, or who were employed, in plants which manufacture minerals into separate products and are not engaged in the extraction process are not eligible for benefits.

(ii) Obtain a Board registration form, provide all information required to fully complete the form, and submit the form as directed.

(iii) Be a resident of Wyoming at the time any services or benefits are applied for.

(iv) While a resident of Wyoming have:

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

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

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

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

(i) Residency – Any two (2) of the following: Current voter registration; current Wyoming driver's 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; notarized attestation by third parties with personal knowledge of the individual's employment as a miner; or any other information which 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.

Section 2. 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), 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.

(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.

Section 3. Eligibility for Medical Assistance Benefit.

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

(i) Be fifty (50) years of age or older or physically unable to work as a miner, have completed a Board registration form, and have established eligibility as provided in Section 1.

(ii) Suffer from pulmonary/respiratory disease, hearing loss, a cardiac condition or a musculoskeletal condition which requires medical attention and care.

(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. 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 assessed on the miner's income and prescription expenses. Qualifying miners will be issued a Miners' 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. 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 6. Hearing Aids.

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

CHAPTER 2

SERVICES FOR MINERS

Section 1. Eligibility for Services.

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

(i) Be a miner who works, or has worked, at or near the point of extraction of a mineral, 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.

(A) 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 are eligible for Board services and benefits.

(B) Office workers and other individuals having only casual or no direct contact with the mining process are not eligible for Board services and benefits.

(C) Persons employed, or who were employed, in plants which manufacture minerals into separate products and are not engaged in the extraction process are not eligible for benefits.

(ii) Obtain a Board registration form, provide all information required to fully complete the form, and submit the form as directed.

(iii) Be a ~~current~~ resident of Wyoming at the time any services or benefits are applied for.

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

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

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

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

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

(i) Residency – Any two (2) of the following: Deed, Lease, or Real Estate Sales Contract; property tax statements; utility bills; current voter registration; attestation by third parties; current Wyoming driver's 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; notarized attestation by third parties with personal knowledge of the individual's employment as a miner; or any other information which 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.

Section 2. **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), 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.

(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.

Section 3. **Eligibility for Medical Assistance Benefit.**

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

(i) Be fifty (50) years of age or older or physically unable to work as a miner, hHave completed a Board registration form, and have established eligibility as provided in Section 1.

(ii) Suffer from pulmonary/respiratory disease, hearing loss, a cardiac condition or a musculoskeletal condition which requires medical attention and care.

(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. 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 not covered by insurance providing prescription drug coverage may submit an affidavit stating they have no insurance which provides prescription drug coverage. Those miners will be issued a Miners' Hospital Identification Card which allows pharmacies to charge the entire cost of covered prescriptions to the Board up to the annual maximum allowed under Section 2(a) above. Miners with no insurance may request a Prescription Hardship. The Hardship will be determined on a case by case basis and will be assessed on the miner's income and prescription expenses. Qualifying miners will be issued a Miners' 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 ~~the initial period or~~ 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. 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 6. Hearing Aids.

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

Summary of comments and responses to proposed rule changes to: Chapter 1: General Provisions and Chapter2: Services for Miners.

The proposed rule changes were posted on the Miners' Hospital Board website on May 1, 2012. The legal notice with the link to the website and proposed rule changes were ran on May 4th in the Gillette News Record, Casper Star Tribune, and Rock Spring Rocket Miner.

There were only two comments and both were received via e-mail to minershospbd@wyo.gov on June 20, 2012. Both objected to discontinuing benefits for office workers and others not having direct contact with the mining process and supported wellness testing by the Board. One further objected to limiting the Medical Assistance Benefit to miners age 50 or older. Both were responded to directly.

The Board considered the comments and adopted the proposed rules without change.

The comments and responses are attached.



Mary Ellen Young <maryellen.young@wyo.gov>

Re: MOST testing vans

1 message

Mary Ellen Young <maryellen.young@wyo.gov>

Thu, Jun 21, 2012 at 8:31 AM

To: Anita Mayes <amayesed@hotmail.com>

Bcc: Mary Ellen Young <maryellen.young@wyo.gov>

Mr. Mayes, thank you very much for your input. I will take this letter with me to our board meeting tomorrow in Riverton. To follow up with your concerns, if the MOST testing vans are discontinued, we do plan on offering wellness testing thru Health Fairs or other options. We are still working out the particulars. One problem we have run into is that Wyoming Health Fairs do not go to all the locations we would need them to. I love the idea of only covering retired, disabled or no longer working miners, but that is almost impossible for the health care provider to determine. It would be on an honor system and we have found that sadly the honor system doesn't always work. Because MOST and other traveling Wellness vans have a minimum cost per day to operate and to set up, our fees per miner run as high as \$500.00 per person for testing. This is a cost that can not be sustained. As a former coal plant worker, I understand your comments on the plants being dirtier than some of the quarries. Maybe there is misunderstanding that the people working the processing plants would not be covered and that is not the case. The new wording pertains to Power Plant employees and plants located off the mine site making products out of the mined material. As for EBMS, I hear your dissatisfaction with their services. Please don't hesitate to contact me if you ever have a bad experience with them. We contracted out the work they do, and they were our only bidders. If you have a date that you call and get poor service, I can report this and they will research their recordings to find the problem. Since our office staff is 1 full time and 2 part time employees, we could not possibly handle the workload of over 7,600 miners claims and registrations. There is a new manager at EBMS that is working diligently to iron out customer service problems and I am all too willing to provide the issues if someone lets me know. Have a great day Mr. Mayes and once again, thank you for taking the time to write about your concerns.

Sincerely,
Mary Ellen Young

On Wed, Jun 20, 2012 at 5:21 PM, Anita Mayes <amayesed@hotmail.com> wrote:

As a former miner, I can tell you that some of the gypsum and benonite plants are dirtier inside the plants with mining dust and materials, than the actual quarries.

You are doing a great injustice to anyone working in one of the plants by contemplating the discontinuation of benefits, and if you alleviate the MOST testing van/truck, you should absolutely have another plan in place to replace the testing they do; for example utilizing the community health fairs and providing free services there. You are correct that a lot of the miners who are currently working have insurance that pays already pays for their tests. The MOST van should be reserved for those who are retired, disabled and no longer working, or those who do not have insurance. I have benefited greatly from the MOST vans and would hate to see them discontinued. As far as EBMS, the State of WY should save their money. - sincerely, Jim Mayes

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Mary Ellen Young
Executive Director
WY Miners' Hospital Board
2001 W. Lakeway Rd, Ste B
Gillette, WY 82718
307-685-6827



Mary Ellen Young <maryellen.young@wyo.gov>

Re: Proposed Rule Changes

1 message

Mary Ellen Young <maryellen.young@wyo.gov>
To: Cherie Wambeke <wlp@tctwest.net>

Tue, Jun 26, 2012 at 10:53 AM

Cherie, I would like to follow up after our phone conversation on June 20th. I do understand your concern about office workers not being eligible for benefits if the new rules changes are passed. As I stated in our conversation, this rule would effect office workers that register after the rule change goes into effect. Those office workers that are currently enrolled would be grandfathered in and not be terminated. I understand that you and other "office workers" often times do other jobs including cleaning which lends to you working in dusty environments. The reason behind the rule change was to concentrate on what the original intent of the term "miner" meant. It is the board's opinion that in 1890, when these funds were set aside for miners, our forefathers meant the people who actually extracted the minerals out of the ground. With over 7,600 miners registered, we must take care to stay within the original intend of the term "miner".

Concerning the rule change for a miner to be age 50 to receive benefits. This pertains to only one of our three programs, the Miners' Medical Assistance program. As of May 31, 2012 60% of our registered miners were age 50 and over and 67% of our Miner's Medical Assistance dollars went to those same individuals. Once again the board is trying to keep in mind that our dollars are being spent on health related problems related to the employment as a miner. Those individuals over age 50 and over are often times having health problems related to the job they do/did as a miner and their generally their employment as a miner has been longer. With over 7,600 miners registered, we are maxing out the available funds we have for our programs and our responsibility is to keep those funds available to those who need it the most for as long as possible. With the wording in the rule change "physically unable to work as a miner", we will be able to offer financial assistance to those miners under the age of 50 that suffer health problems and are unable to go to work. The board was adamant that we have a clause for those individuals that suffer serious health problems and are under the age of 50.

We also spoke about the Wellness Vans and that fact that in February 2012 the board voted to discontinue the Wellness program as it is currently implemented. You will be happy to know that at Friday's meeting the board instructed me to check every available option of continuing Wellness Testing on a reduced level. The board knows this is a great program, but we need to look at ways to reduce the dollars we are currently paying. The board did also vote to accept the proposed rule changes as written and posted on our website.

Please don't hesitate to contact me if you have further questions or comments.

Sincerely,
Mary Ellen Young

On Wed, Jun 20, 2012 at 10:48 AM, Cherie Wambeke <wlp@tctwest.net> wrote:

Good Morning Wyoming Miners' Board,

I would just like to say that our crew has greatly benefited from this program! We participate in the wellness screening yearly and a few have benefited from the musculoskeletal and cardiac conditions. We all carry insurance, but I do believe this benefit greatly helps keep many of us healthy and coming to work.

Under Eligibility for Services (a) (i) (B) Office workers and other individuals having only casual or no direct contact with the mining process are not eligible for Board services and benefits. The office workers and other individuals are on site and around the same dust as the others, granted they are not always exposed to as much but are still in the same environment. Under Eligibility for Medical Assistance Benefit (a) (i) Be fifty (50) years of age or older or physically unable to work as a miner, hHave completed a Board registration form, and have established eligibility as provided in Section 1. Many of us are under 50 and need medical attention in these categories at times, why would you want to only help those who become unable to work, why not try and keep us healthy and working. Most have been trained and invested many hours at a mine site, if something happens and they need medical attention why would you exclude them from such a great benefit? Please continue helping all of us, keeping us healthy and able to come to work. Many workers would not take as good care of themselves if it wasn't for this program.

Please reconsider these changes, it greatly benefits many miner teams.

Thank you,

Cherie Wambeke

Wyoming Lime Producers

(307) 664-2573

wlp@tctwest.net

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Mary Ellen Young
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WY Miners' Hospital Board
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