
APPENDIX A

Department of Health Statutes

Department of Health

9-2-101. Creation; definitions; divisions.

- (a) The department of health is created.
- (b) As used in W.S. 9-2-101 through 9-2-108:
 - (i) "Department" means the department of health;
 - (ii) "Director" means the director of the department.
- (c) The department is the successor to the board and department of health.
- (d) Repealed by Laws 1991, ch. 221, § 3.
- (e) The department consists of the director who is the chief administrative officer and such divisions as the director may create.
- (f) The director shall appoint and prescribe the duties of officers of the institutions in title 25 under the direct authority and control of the department.

9-2-102. Department of health; duties and responsibilities; state grants.

- (a) The department of health is the state mental health authority, the developmental disabilities authority and the substance abuse authority. The department through its divisions has the following duties and responsibilities to:
 - (i) Administer comprehensive state programs for mental health, developmental disabilities and substance abuse services;
 - (ii) Provide a coordinated network of programs and facilities offering the following services to persons afflicted with mental illness or developmental disabilities or for substance abuse: diagnosis, treatment, education, care, training, community living, habilitation and rehabilitation;
 - (iii) Establish minimum standards and approve policies and procedures for the establishment and operation of community-based mental health, substance abuse and developmental disabilities programs receiving state support;

- (iv) Establish minimum standards for all mental health, substance abuse and developmental disabilities services supported by state funds.
- (b) Repealed By Laws 1998, ch. 81, § 3.
- (c) The program may include state grants based on a formula for state and local participation.
- (d) Repealed By Laws 1998, ch. 81, § 3.
- (e) Repealed by Laws 1984, ch. 31, § 2.
- (f) Repealed by Laws 1991, ch. 161, § 4; ch. 221, § 3.
- (g) Repealed by Laws 1991, ch. 161, § 4; ch. 221, § 3.
- (h) Repealed by Laws 1991, ch. 161, § 4; ch. 221, § 3.
- (j) Repealed by Laws 1991, ch. 161, § 4; ch. 221, § 3.
- (k) Repealed by Laws 1991, ch. 161, § 4; ch. 221, § 3.
- (m) Repealed by Laws 1991, ch. 161, § 4; ch. 221, § 3.
- (n) Repealed by Laws 1991, ch. 161, § 4; ch. 221, § 3.

9-2-103. Division administrators; appointment; qualifications; salaries, tenure and removal generally; necessary personnel.

- (a) The director shall appoint a separate administrator for the divisions of the department of health and he may discharge the administrators as provided in W.S. 9-2-1706(c)(ii). The administrator for a division dealing primarily with public health shall:
 - (i) Have theoretical knowledge and practical and managerial skill and experience which fits him for the position, as determined by the director; and
 - (ii) Repealed By Laws 1998, ch. 20, § 2.
 - (iii) Administer a program for the supervision of volunteer physicians who provide medical care, assistance or medical administrative services without charge for the medical services rendered in an eligible program in compliance with rules and regulations promulgated by the department. To qualify as an eligible program, the medical services shall be provided in any hospital, clinic, health care facility or institution owned or operated by the state, University of Wyoming or any local government. A disclosure statement shall be signed in advance by the recipients informing them of the physician's limited liability under the program.

(b) Repealed by Laws 1987, ch. 185, § 2.

(c) Repealed by Laws 1991, ch. 221, § 3.

(d) Where the director meets the qualifications specified in subsections (a) and (e) of this section and so chooses, the director may serve as the state health officer.

(e) The director shall appoint a state health officer who shall be licensed in Wyoming as a physician and who shall carry out the statutory duties and any other duties assigned to him by the director. The state health officer shall:

- (i) Answer directly to the director;
- (ii) Not be assigned to any division within the department;
- (iii) Have support staff to carry out the duties assigned to him.

9-2-104. Allocation, transfer and abolition of powers, duties and functions within department.

(a) The governor may, after consultation with the director of the department and the departmental advisory council:

- (i) Repealed by Laws 1991, ch. 221, § 3.
- (ii) Designate the department as the single state agency for the administration of state plans for health and medical services, mental health and developmental disabilities, to administer upon such terms as the governor directs.

9-2-105. Office of planning and administration; created; duties and powers of administrator.

(a) The office of planning and administration is created and shall be under the authority of the director.

(b) The administrator of the office of planning and administration shall:

- (i) Coordinate all program administration, including all budget requests, grant applications and plans;
- (ii) Advise, consult and cooperate with all departmental agencies, all other state departments, agencies, subdivisions and the federal government;
- (iii) Require that all administrators within the department cooperate with the office and report to the office on all matters pertaining to program planning, budgeting and administration; and
- (iv) Perform planning as determined by the director.

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

(a) The director shall:

- (i) Consult with the departmental advisory council and establish general policy to be followed in the department in administering programs;
- (ii) Disburse and administer all federal funds or other monies allotted to the department;
- (iii) Prescribe by rule, order or regulation the conditions under which these monies shall be disbursed and administered;
- (iv) Enter into agreements, not inconsistent with the laws of this state, required as conditions precedent to receiving funds or other assistance. Funds appropriated by the legislature for operation of the department shall be used for the specified purposes only, and the director, in accepting funds from any other source, shall not consent to impairment of the department's statutory responsibilities;
- (v) Hold hearings, administer oaths, subpoena witnesses and take testimony as provided by the Wyoming Administrative Procedure Act [§§ 16-3-101 through 16-3-115] in all matters relating to the exercise and performance of the powers and duties vested in the department;
- (vi) With the assistance of the attorney general bring actions in the courts of the state in the name of the department for the enforcement of public health, mental health and medical services laws; and
- (vii) Promulgate reasonable rules and regulations after consultation with the departmental advisory council, in compliance with the Wyoming Administrative Procedure Act, for the implementation of all state and federal public health, mental health and medical services laws.

(b) Notwithstanding paragraph (a)(iv) of this section, the director may use funds appropriated by the legislature for the operation of the department to pay health or medical insurance premiums for any resident of Wyoming upon a determination by the director or his designee that:

- (i) Due to an injury or illness, the person or his family is or may become unable to pay health or medical insurance premiums;
- (ii) The person is or may become eligible for medical services which would be paid for by the state; and
- (iii) Payment of the premiums may be less expensive for the state than payment of the medical services.

(c) Health or medical insurance premiums paid for in accordance with subsection (b) of this section shall be reviewed periodically to ensure payment of the premiums does not exceed the cost for provision of medical services. The authority granted under subsection (b) of this section shall terminate effective June 30, 1996.

(d) The director may authorize the Wyoming state training school, the Wyoming state hospital, the Wyoming pioneer home, the veterans' home of Wyoming and the Wyoming retirement center to provide services to persons with conditions other than those specified in the provisions governing those state institutions in title 25 of the Wyoming statutes when the director determines that there is a need for such services, that the services can be provided effectively by the institution, that the services will be delivered in a manner that assures the safety of all individuals served by the institution and the services provided are statutorily authorized for any of these institutions, the service needs are similar to those authorized for any of these institutions or the services are necessary to protect the public health and safety. The director may promulgate rules and regulations and policies and procedures necessary to implement this subsection. Nothing in this subsection shall be construed to authorize the director to eliminate services that are otherwise required by statute. The director shall report to the joint labor, health and social services interim committee no later than October 1 of odd numbered years with respect to the status of any actions taken under this subsection and the results of those actions.

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