
APPENDIX A

Selected statutes

A.1 Substance Abuse Control Plan (part of HOUSE BILL 59, Laws 2002, Ch. 81)

ARTICLE 27

SUBSTANCE ABUSE CONTROL PLAN

9-2-2701. Substance abuse control plan.

(a) The legislature hereby finds that the state of Wyoming has significant problems stemming from the abuse of alcohol and other drugs. In order to confront this challenge it is necessary to implement a comprehensive, integrated substance abuse control plan.

(b) The department of health shall, in consultation with the department of education, department of family services, department of workforce services and department of corrections adopt rules and regulations establishing standards for the effective treatment and prevention of substance abuse. The rules shall be adopted by December 31, 2002, and shall include standards for providers, programs and facilities. The rules shall include procedures for data collection and analysis, protocols for testing and methods of measuring outcomes. The rules shall require the use of best practices, establish the means for determining priorities for treatment and prevention services, set standards for managing wait lists of patients and establish standards for cross training and continuing education of personnel. The rules shall specify certification requirements for programs, providers and facilities. The rules and regulations shall establish a process for denying continued funding for programs or providers who fail to comply with certification requirements established under this section. The rules and regulations establishing standards for treatment programs in state correctional facilities and the secure facilities authorized under W.S. 9-2-2704 shall be promulgated by the department of corrections, in consultation with the department of health, department of education, department of family services and department of workforce services no later than December 31, 2002. Rules and regulations establishing standards for those programs reviewed pursuant to W.S. 9-2-2705 shall be adopted no later than July 1, 2004.

(c) The department of health shall certify programs, providers and facilities which meet the requirements of the rules and regulations adopted under subsection (b) of this section provided the department of corrections and department of health shall certify programs in state correctional facilities and the secure treatment facilities authorized pursuant to W.S. 9-2-2704. Beginning July 1, 2004, no state funds provided for substance abuse treatment shall be allocated to programs, providers or facilities which are not certified by the department of health. Beginning July 1, 2004, courts shall not refer individuals for substance abuse or related treatment to programs, providers or facilities which are not certified to provide those services for which the individual is referred.

(d) The department of health shall have the authority to contract with a private entity to conduct compliance reviews, quality assurance checks and other related services.

(e) The department of health may allow exceptions to the requirements of rules adopted pursuant to subsection (b) of this section relating to the use of best practices to permit bona fide research to develop new effective treatment, intervention and prevention.

(f) No later than forty-five (45) days prior to the adoption of new rules under this act, the department of health shall provide notice of intent to adopt the rules, a copy of the proposed rules and a synopsis of those rules to the joint labor, health and social services interim committee and the joint judiciary interim committee.

9-2-2702. Definitions.

(a) As used in this act:

(i) "Best practices" means intentional methods, procedures or systems that produce consistent, cost-effective prevention or treatment outcomes, which have been validated in replicated randomized control group studies or high quality time series studies, published or reported in reputable scholarly sources. In the absence of high quality research studies, a practice or approach may be selected on the basis of the consensus of prevailing scientific opinion or theory-based procedures published in peer-reviewed journals, until the best practices data are available;

(ii) "Cross training" means acquisition of skills to implement or use prevention, intervention or treatment procedures from different roles, disciplines or perspectives with the intent of improving overall, effective treatment or prevention outcomes. Cross training does not include the acquisition of licensure in another discipline;

(iii) "Patient" means any individual or client for whom confidential medical or psychological records are kept as a part of the provision of treatment or prevention services;

(iv) "Programs and facilities" means coordinated and planned activities or services that receive financial consideration from any source including third party payments or grants for the provision of treatment or prevention services and scientifically related problems, provided however, the term does not include public workshops, public speeches, courses or workshops not holding themselves out as intending to provide therapeutic services;

(v) "Provider" means any individual, partnership, corporation or organization that receives financial consideration from any source including third party payments or grants for the purpose of treatment or prevention services targeting substance abuse or other scientifically related problems such as delinquency, school failure, mental illness or criminal behavior;

(vi) "Therapeutic community" means a comprehensive, research based method of substance abuse and cognitive behavioral treatment, effectively preparing the client for reentry into society;

(vii) "This act" means W.S 9-2-2701 through 9-2-2707.

9-2-2703. Repealed effective July 1, 2004. [9-2-2703(c) repealed this section effective July 1, 2004. (Laws 2002, Sp. Sess., Ch. 81, § 1.)]

9-2-2704. Secure substance abuse treatment.

(a) The department of corrections is authorized to contract with an entity for the provision of secure substance abuse treatment in Wyoming for persons in the custody of the department of corrections subject to the following:

(i) The entity providing the treatment and the facility where it is provided shall be selected in a competitive process following a request for proposals issued by the department of corrections. The

proposal selected shall best serve the interests of the state of Wyoming and shall be evaluated by the department of corrections and the department of health on the basis of:

- (A) Cost determined by the per diem cost to the state for inmates treated plus other costs incurred by the state;
 - (B) The quality and appropriateness of the treatment proposed to be provided including the extent to which an effective therapeutic community will be formed within the facility;
 - (C) The relevant experience of the entity providing the treatment;
 - (D) The security of the facility;
 - (E) The location of the proposed facility and the compliance of the location with local zoning and land use planning;
 - (F) The speed with which the proposed facility can be made available for use;
 - (G) Arrangements for transporting prisoners to and from the facility; and
 - (H) Any other factors the department of corrections deems relevant as determined by rules adopted by the department of corrections.
- (ii) The contract shall be for a period specified in the contract which shall not exceed ten (10) years;
- (iii) The contract shall state that the department of corrections may terminate the contract due to:
- (A) Unsatisfactory performance by the entity;
 - (B) For breach of contract; or
 - (C) Failure of the department of corrections to receive an adequate appropriation.
- (iv) After an initial period specified in the contract the entity may terminate the contract for failure to receive an adequate reimbursement for the services provided. The contract shall contain a mechanism for negotiating an increase in reimbursement due to inflation in costs or changes in programming, but the increase shall be subject to the availability of appropriations;
- (v) The contract shall provide that the entity has the right to return to the department of corrections at an institution identified by the department any inmate who:
- (A) Poses an undue danger to other inmates or the staff;
 - (B) Fails to obey the rules of the program; or
 - (C) Is unwilling or unable to participate in the treatment program or does not make a good faith effort to progress in the treatment program.

(b) The initial facility shall be for one hundred (100) beds to be contracted by the state of Wyoming. The facility may, with the consent of the department of corrections, have other beds for inmates from other governmental jurisdictions.

(c) The department of corrections may subsequently make a long term contract for additional treatment beds at the initial or additional facilities provided the additional treatment beds are specifically authorized in an enacted general appropriations bill. The department of corrections may enter into contracts of less than two (2) years for additional beds within a facility.

(d) Unless delayed for good cause, the department of corrections shall issue the request for proposal authorized by subsection (a) of this section within ninety (90) days of the effective date of this act and shall seek to have a facility in place in operation during the fiscal year commencing July 1, 2003.

(e) The department of corrections may assign any inmate in its custody to a secure treatment facility up to the capacity provided by the contract. Assignment to the facility is at the discretion of the department of corrections and is not the right of any inmate.

(f) The provisions of W.S 7-22-101 through 7-22-115 do not apply to a secure substance abuse treatment facility created under this section except that the following provisions shall apply:

(i) W.S. 7-22-105 to the extent that American correctional association standards are appropriate for the secure substance abuse facility;

(ii) W.S. 7-22-106;

(iii) W.S. 7-22-107;

(iv) W.S. 7-22-109;

(v) W.S. 7-22-110;

(vi) W.S. 7-22-112 (a)(iv) through (ix).

9-2-2705. Review of adolescent treatment programs.

The department of health shall contract with an independent entity specializing in the evaluation of adolescent drug and alcohol treatment programs. The independent entity shall perform a review of the present status of programs available at adolescent residential facilities to which the state of Wyoming refers children. The review shall focus on the effectiveness of existing programs, and shall make recommendations to improve or replace those programs. The report shall be completed and presented to the joint labor, health and social services interim committee prior to September 1, 2003.

9-2-2706. Annual report required.

The substance abuse division of the department of health shall, in conjunction with the department of education, department of workforce services, department of family services and department of corrections jointly prepare an annual report regarding the effectiveness of achieving the goals and directives of the substance abuse control plan under W.S. 9-2-122. The report shall include detailed information with respect to all expenditures made under the substance abuse control plan. The report shall be submitted to the joint labor, health and social services interim committee on or before October 1 of each year. The substance abuse plan may from time to time be revised by

the department of health. Any revision shall be approved by the director of the department only after the revision has been submitted to the joint labor, health and social services interim committee for comment at least forty-five (45) days prior to approval.

9-2-2707. Authorized studies.

(a) The department of health, department of education, department of family services, department of workforce services and department of corrections shall jointly conduct a study of children of incarcerated persons and a study of offenders who reenter the community. The studies shall consider the following:

(i) Appropriate interventions to identify children whose parent or caretaker is incarcerated, common risk factors and recommendations for appropriate responses;

(ii) Integrating services to provide educational, employment, substance abuse, mental health, medical, housing and other services for purposes of assisting in the reentry of incarcerated persons into the community.

(b) The agencies shall jointly report annually on or before July 1 of each year following the effective date of this section to the joint labor, health and social services interim committee on the status of studies authorized by this section. The report shall include detailed information with respect to all expenditures made to conduct the studies. The studies shall be completed and submitted to the joint labor, health and social services interim committee no later than July 1, 2005.

A.2 Substance Abuse Control Plan (from HOUSE BILL 83, Laws 2001, Ch. 151)

9-2-122. Substance abuse control plan.

(a) The department of health shall develop a detailed, comprehensive substance abuse control plan for prevention, early intervention and treatment designed to curb alcohol and controlled substance abuse in the state of Wyoming.

(b) The department of health or contractor shall work, to the greatest extent feasible, in collaboration with the University of Wyoming statistical analysis center in determining appropriate data regarding early warning signs of substance abuse.

(c) The plan shall also recommend how the services of schools, community mental health centers, social service providers, local health care providers, law enforcement, corrections and any other entities presently available in the state of Wyoming can better serve the state in responding to substance abuse problems. The substance abuse control plan should decrease the potential overlapping of these services while maintaining a collaborative effort among state and local governmental entities and other organizations to assure maximum leveraging of resources, including people and money. The plan should identify and address the filling of gaps in the continuum of needed services. The substance abuse control plan shall also include recommendations to the executive, legislative and judicial branches of the state of Wyoming regarding programs and funding determinations which those entities may make.

(d) The department of health shall report its activities under this section to the governor and the joint labor, health and social services interim committee not later than October 1, 2001. The report shall include a review of the data obtained in developing the substance abuse control plan and recommendations for funding of programs.

A.3 Selected Community Human Services Statutes:

Wyoming Statutes also address community human services boards, which include community mental health and substance abuse boards and their facilities/centers, whom receive the majority of state substance abuse funds. Statute citations and excerpts follow:

TITLE 35 - PUBLIC HEALTH AND SAFETY

CHAPTER 1 - ADMINISTRATION

ARTICLE 6 - COMMUNITY HUMAN SERVICES

- 35-1-601. Repealed by Laws 1979, ch. 155, § 3.**
- 35-1-602. Repealed by Laws 1979, ch. 155, § 3.**
- 35-1-603. Repealed by Laws 1979, ch. 155, § 3.**
- 35-1-604. Repealed by Laws 1979, ch. 155, § 3.**
- 35-1-605. Repealed by Laws 1979, ch. 155, § 3.**
- 35-1-606. Repealed by Laws 1979, ch. 155, § 3.**
- 35-1-607. Repealed by Laws 1979, ch. 155, § 3.**
- 35-1-608. Repealed by Laws 1979, ch. 155, § 3.**
- 35-1-609. Repealed by Laws 1979, ch. 155, § 3.**
- 35-1-610. Repealed by Laws 1979, ch. 155, § 3.**

35-1-611. Short title.

This act shall be known as the "Community Human Services Act".

35-1-612. Purpose.

The purpose and intent of this act is to establish, maintain and promote the development of a comprehensive range of services in communities of the state to provide prevention of, and treatment for individuals affected by, mental illness, substance abuse, or developmental disabilities, and to provide shelter and crisis services for victims of family violence and sexual assault.

35-1-613. Definitions.

(a) As used in this act:

(vii) "Substance" means alcoholic beverages and other drugs;

(viii) "Substance abuse" means the use, without compelling medical reason, of any substance which results in psychological or physiological dependency as a function of continued use in such a manner as to induce mental, emotional or physical impairment or to cause socially dysfunctional behavior;

35-1-614. Counties, school districts and cities may contract for human services programs; counties may establish community boards.

(a) A county may contract with private or public agencies to provide human services programs for the county. The county may appropriate funds for the programs.

(b) A municipality may contract with private agencies or a community board to provide human services programs for the municipality. The municipality may appropriate funds for the programs.

(c) A school district may contract with private or public agencies to provide human services programs for school age children.

(d) A county may establish, or two (2) or more counties may agree to establish a community board, or community boards in accordance with this act. A community board shall provide human services to the entire county or counties in which it is established. A community board may offer one (1) or more services for the mentally ill, substance abuser, developmentally disabled or the victim of family violence or sexual assault.

35-1-615. Community board is agency of county; appropriations; joint community board agreements.

(a) A community board is an agency of the county government.

(b) A county which establishes or agrees to establish a community board, or community boards may appropriate funds for human services programs.

(c) When two (2) or more counties have agreed to establish a community board, the funds appropriated by the counties shall be expended by the board in accordance with the agreement between the counties. The agreement shall require each county to bear a cost proportionate to the services provided in the county. The agreement may specify that, for particular purposes, officers and employees of a joint community board are considered employees of a participating county.

35-1-616. Community boards; membership; appointment; terms of office; removal; vacancies; compensation.

35-1-617. Community boards; meetings; officers.

35-1-618. Community boards; powers.

(a) For each human services program authorized by the county commissioners the community boards may contract with a local public or private nonprofit provider or:

35-1-619. Community boards; duties.

(a) Subject to this act, a community board shall:

(i) Review and evaluate human services programs operating within its jurisdiction;

(ii) Submit to the commissioners for the county of which it is an agency a comprehensive plan for the establishment, development and promotion of human services programs;

(iii) Insure that the human services programs which are authorized by the county commissioners and funded by the county or the division are executed and maintained; and

(iv) Insure that clients are charged fees for services promulgated by the division.

35-1-620. Powers and duties of department and its divisions.

(a) The department through its divisions may:

(i) Enter into cooperative contracts with private agencies, public agencies and community boards by negotiation without competitive bids or by competitive bidding. The department shall not contract with any entity which is not in substantial compliance with the standards and guidelines under subsection (b) of this section. The department shall not contract with any entity to purchase shelter and crisis services for victims of domestic abuse or sexual assault;

(ii) Consult with and advise community boards, political subdivisions, nonprofit corporations, state agencies, health and medical groups within the state and the United States public health service about standards for the promotion of services to residents of Wyoming for the prevention, diagnosis and treatment of mental illness, substance abuse and developmental disabilities and for the provision of other community based services which serve a public purpose.

(b) The department shall:

(i) Prescribe professional standards for personnel providing services purchased in whole or in part by the state under this act. The standards do not replace the standards for licensing under any other Wyoming law;

(ii) Prescribe standards for the quality of human services programs which provide state purchased services under this act;

(iii) Establish a uniform schedule of fees which will act as a guideline for state purchased services provided to clients by human services programs under this act. The schedule shall accurately reflect a client's ability to pay;

(iv) Review and comment on an application for funds submitted by any entity to the federal government for a human services program established or funded under this act other than programs providing shelter and crisis services for victims of domestic abuse or sexual assault;

(v) Review and evaluate all programs authorized or funded under this act other than programs providing shelter and crisis services for victims of domestic abuse or sexual assault;

(vi) For state purchased services select the most appropriate service providers within each region in order to achieve the most effective and efficient human services system;

(vii) Prescribe procedures to ensure that programs providing state purchased services provide for the confidentiality of patient records; and

(viii) Prescribe conditions of eligibility for funding under this act so that no person shall be denied services on the basis of race, creed, color, national origin or inability to pay.

35-1-621. All state funds for human services contracted to department; federal and private funding not affected.

A state agency which provides state or federal funds to a community based mental health, substance abuse, developmental disabilities or other human services program shall contract the funds to the department. The

department shall expend the funds in accordance with W.S. 9-2-102 and this act. This section does not impair the ability of community based programs to apply for or receive funds directly from federal or private sources, subject to W.S. 35-1-620(b)(i).

35-1-622. Department; budget requests; purchase of service contracts.

(a) The department's budget request shall recommend:

- (i) The types of services that the division shall purchase, which shall not include shelter and crisis services for victims of domestic abuse or sexual assault;
- (ii) The levels of services that the division shall purchase based on population, needs assessment, regional cost differences necessary to provide reasonably similar access to services and other criteria; and
- (iii) The quality of services that the division shall purchase.

(b) The department shall contract with community boards, public agencies and private agencies to purchase only those services funded by the legislature on a statewide basis. Funds contracted for under this act shall not exceed ninety percent (90%) of the total nonfederal expenditures for human services programs by any community board or public agency.

35-1-623. Contracts; reports; regular payments; termination.

(a) Every contract awarded pursuant to this act shall require:

- (i) The program provider to submit annual financial and expenditure reports to the department;
- (ii) The division to make regular payments to the program provider based on the services provided;
- (iii) Compliance with W.S. 18-3-516(e).

(b) The division shall terminate a contract with a program provider made under this act when the division finds, after a hearing in accordance with W.S. 16-3-107 through 16-3-112 if requested by the provider, that the program provider is not using contract funds for contract purposes, or that a contract program is not being administered in accordance with this act.

35-1-624. Contracts with private agencies; eligibility.

(a) To be eligible to contract with the department, a private agency shall:

- (i) Have as its primary purpose the provision of human services programs;
- (ii) Be chartered under the laws of the state of Wyoming;
- (iii) Provide at least one (1) human services program which serves the residents of at least one (1) county;
- (iv) Appoint a director whose qualifications meet the standards fixed by the division and prescribe his duties; and

(v) Charge clients fees at a rate comparable to the uniform schedule of fees for services that have been promulgated by the division. Private agencies may charge a reasonable fee for those services not covered in the division's uniform fee schedule.

35-1-625. Protection of clients' rights.

(a) Every contract awarded under this act shall require the program provider to guarantee the clients' rights to:

(i) An individualized plan of appropriate services which provides for the least restrictive treatment that may reasonably be expected to benefit the client;

(ii) Send and receive sealed mail;

(iii) Wear his own clothing, to keep and use personal possessions, including toilet articles, unless the articles may be used to endanger their own or others' lives, and to keep and be allowed to spend his own money;

(iv) Be free from physical restraints and isolation except for emergency situations or when isolation or restraint is a part of a treatment program;

(v) Be free from unnecessary or excessive medication;

(vi) Make and receive telephone calls within reasonable limits;

(vii) Receive visitors daily; and

(viii) Be informed orally and in writing of the rights under this section at the time of admission.

(b) Every contract awarded under this act shall require the program provider to:

(i) Post copies of this section conspicuously in each client area;

(ii) Make copies of this section available to the client's guardian or immediate family.

35-1-626. Isolation; restraint; medication.

35-1-627. Examination of accounts.

The governing body of any entity receiving state funds under this act shall not less than every two (2) years cause to be made an audit or other oversight of the financial affairs and transactions of all funds and activities of the entity in accordance with W.S. 16-4-121(b) and (c) and 16-4-122. Costs of the audit or other oversight shall be borne by the entity. Copies of audit reports or other reports shall be submitted to the division and the director of the state department of audit upon completion. The director of the state department of audit shall adopt rules for audits and may examine the accounts of any entity receiving state funds under this act. The legislative auditor may audit the accounts of any entity. These accounts shall be maintained in a manner to guarantee confidentiality of the patient's identity. The state auditor and treasurer shall not disburse any state money to any entity refusing access to its accounts and records for the purposes of this section.