

Little America
2800 W. Lincolnway
Cheyenne, Wyoming
February 19, 2014, 10:00 AM

Don Stauffenberg, Wyoming Miners Board Chairman, called the meeting to order at 10:00 am.

ROLL CALL:

Those present were:

Don Stauffenberg – Riverton

Gary Wolf – Green River

Donald Dorn – Newcastle

Bill Korhonen – Rock Springs

Jamie LaValley – Gillette

David Hornbeck – Casper

Rick Magstadt – Greybull

Not Present:

Bill Rice – Gillette

Rose Moseby - Rock Springs

Others Present were:

Mary Ellen Young – Executive Director

Helen Jerome – Gillette Administrative Assistant

Mike Robinson – AG Representative

Don Stauffenberg made a determination that there was a quorum and that the meeting could proceed.

I. Approval of August 23, 2013 minutes

Don Stauffenberg

Bill Korhonen made the motion to approve the November minutes. Jamie LaValley seconded the motion. Motion carried.

I. Status of SF-50

Mary Ellen

SF-50 as amended is included after the last pages of the minutes.

On page 2, line 19 b and i were deleted. Page 3, 20 through page 4 line 2 was amended. Page 5 did get inserted that the WMHB would be payer of last resort. EOB from primary insurance has to be turned in with the claim so that EBMS knows what was paid prior to WMHB paying. Added coal or other geological because coal is not a mineral but an organic material. Amended to page 5 ii include persons providing labor or services at the mine. Miner shall not include persons providing labor or services at the mine or qualifying processing or conversion facility on an occasional or incidental basis as defined by board rule, page 6, line 2. Page 6, lines 10-24 was added about “domicile”.

Status of the bill is that it came out of the Senate on third reading and went to the House appropriations committee. There was another bill (HB0118) that was defeated on introduction about assigning an oversight committee to monitor the MHB. MHB has to wait until after the bill passes the house and is signed by Governor Mead before submitting the rule changes.

III. Old Business:

A. Executive Director’s Report

Mary Ellen

Mary Ellen went over the report with averages, etc. Hearing aid program dollars were down but the numbers were up. We have a lot of people coming in for second hearing aids. Emergency room visits, falls, etc. are not being paid and this shows in the drop of dollars spent on medical claims. Prescription claims are going down. We are getting more and more people registered. The potential for 4 million to be spent annually is huge. Premiums have gone up and we are paying the deductibles. Mary Ellen was going to check with

EBMS into the possibility to only pay after the deductible for the plan has been paid by the member. Several different options of deductibles were discussed.

B. Approval of Financials

Mary Ellen

Bill Korhonen made the motion to approve the financials. Gary Wolfe seconded the motion. Motion carried.

C. Programs discussion

Mary Ellen

We are holding the line on a lot of things. Statute change and rule changes will help with this. The idea is to make sure that the miners that need it the most are taken care of. Perhaps we need to have the miners update their information yearly. Would it be possible to pay a maximum deductible? If so, we wouldn't be paying the \$1000 deductible but only a portion of the deductible. Perhaps we need to establish a deductible for WMHB plan. Mary Ellen will run the possibilities by EBMS to see if this can be monitored. Mary Ellen will get back to the board at the next meeting.

D. Black lung cases in Wyoming

Mary Ellen

NIOSH and CDC saw 309 working surface miners in 2013 and found that 5% had chest x rays that were positive for black lung. 5% computes to approximately 15 miners.

E. Written Hearing Aid approval SOP

Mary Ellen

Mary Ellen has not received this from EBMS. There are steps posted on the website on how to obtain hearing aids and a second hearing set of hearing aids. There have been some issues with some hearing aid providers not giving good warranty services, etc. Mary Ellen suggests we should consider conducting an in-house Performance Questionnaire of all miners that have received hearing aids. The survey would take place about 6 months after the miner had received a hearing aid so that we can see what problems there are with the providers. The questionnaire should be worked up by the next meeting as well as guidelines.

EBMS has revised the letter of agreement for the preferred providers and Mary Ellen has made a few changes. It is being reviewed with EBMS currently.

V. New Business

Relocation of Green River office

Mary Ellen

The Green River contract is up at the end of July, 2013. Mary Ellen has contacted a real estate broker in Rock Springs and has found a couple of offices which will cost us about \$150 more per month. Mary Ellen feels that the majority of our miner base lives in Rock Springs and we may be able to accommodate more miners with more information if we relocated there. We have heard from several miners that they feel they are not getting current information.

Comparing current cost trends with past

Mary Ellen

The feasibility of updating benefits yearly – was covered earlier.

Disallowing deductibles or capping the amount we pay – discussed earlier

Proposed Rules revision

Don Stauffenberg

Domicile is defined in both the statute and rules.

Make a separate definition for continuing and regular basis. Employment on a full time basis on a mine site. Mike Robinson, AG rep, will send us several different versions of what can be used for defining full time. Change 12 consecutive months to 60 months for initial registration for benefits. When we change this requirement will it be only for future registration or should it be retroactive to all registrations? Mary Ellen will draft a letter to the LSO to determine their findings on the need to grandfather or not. Bill Korhonen made the motion to change to 120 months. No second to the motion and motion died. Rick Magstadt made the motion to change the eligibility requirement to 60 consecutive months working on a mine site. Don Dorn seconded the motion. Motion carried.

Change on page 2-2 ii allows that we will not accept attestation by third parties with personal knowledge of the individual's employment as a miner. Bill Korhonen made the motion that we will accept employment records, W-2 forms, social security records or any other information which verified employment as a miner, i.e., pension records. Gary Wolfe seconded the motion. Motion carried. Strike either in iii, or in A. Delete B. Replace section 4 a ii of these rules.

Perhaps need to change wording of injured to disabled.

Item c on page 2-2. As is

Item d on page 2-2. As is

Item iv on page 2-4. As is

Item A on page 2-4 – Addressing deductibles. Mary Ellen is going to check on this as previously discussed.

Page 2-5 reword first paragraph to read easier.

Re-word Web Home page/Mission Statement

Mary Ellen Young

Home page – needs to include the statement “due to labor in the mining industry” will update these when the statute and rule changes have been completed. Mary Ellen will revise now. Mission statement will be revised by Mary Ellen for presentation at the next meeting.

VI. Election of new chairperson

Jamie LaValley nominated Don Stauffenberg to remain as Chairperson for the next year. All were in favor. Don Stauffenberg will remain as Chairperson for the current year.

VII. Other

Mary Ellen

Change in silica rules by Rick Magstadt. MSHA will adopt the OSHA rulings.

VIII. Public Sounding

None

VIII. Adjournment & Next Meeting

June 6th in Riverton, WY 9 am for next meeting

Gary Wolfe made motion to adjourn. Bill Korhonen seconded. Motion carried.

ORIGINAL SENATE
FILE NO. 0050
ENROLLED ACT NO. 6, SENATE
SIXTY-SECOND LEGISLATURE OF THE STATE OF WYOMING
2014 BUDGET SESSION

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AN ACT relating to the state miner's hospital board and account; modifying board membership requirements; modifying benefit eligibility requirements; specifying that benefits from the miner's hospital account shall be paid only after other available benefits for covered conditions; modifying and providing definitions; repealing obsolete provision; and providing for an effective date.

Be It Enacted by the Legislature of the State of Wyoming:

Section 1. W.S. 30-6-104 is created to read:

30-6-104. Requirements for obtaining benefits.

(a) To obtain benefits from the account, a person shall:

(i) Be domiciled in Wyoming on the date of application for a benefit;

(ii) Make no claim of residency in any other state, territory or country for any other purpose at the time of application for a benefit or at any time during receipt of a benefit;

(iii) Maintain his domicile in Wyoming at the time of receipt of the benefit;

(iv) Provide to the board a copy of his current Wyoming driver's license, identification card issued by the Wyoming department of transportation, or other identification satisfactory to establish his identity as specified in board rule.

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Section 2. W.S. 30-6-101(a)(i) and (iii) and 30-6-102(c), (d), by creating a new subsection (e) and by amending and renumbering (e) as (f) are amended to read:

30-6-101. State miner's hospital board.

(a) The state miner's hospital board is created consisting of the following members:

(i) One (1) member **resident** of **the** Sweetwater County **Memorial Hospital Board** appointed by a majority vote of the county commissioners. **or In making this appointment** the county commissioners shall appoint a **designee if a**

member of the Sweetwater County Memorial Hospital Board if a member cannot of that board is willing and able to serve; (iii) One (1) member resident of the Campbell County Memorial Hospital Board appointed by a majority vote of the county commissioners. or In making this appointment the county commissioners shall appoint a designee if the a member of the Campbell County Memorial Hospital Board if a member cannot of that board is willing and able to serve.

30-6-102. Account created; expenditures; report.

(c) Each biennium the board shall, after consultation with the legislative oversight committee created pursuant to W.S. 30-6-103, recommend expenditures of any monies in the account created by subsection (a) of this section for purposes of addressing miner's health issues based upon the plan prepared by the board under subsection (b) of this section. The recommendations shall be reviewed by the joint appropriations interim committee and any recommendations from the committee shall be included in the budget for appropriation. Any recommendations shall require legislative appropriation to become effective.

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(d) Not later than December 1 of each year, the board shall report to the governor, the legislative oversight committee created pursuant to W.S. 30-6-103 and the joint appropriations interim committee on the activities of the board including any recommendations made for expenditure of monies from the account created by subsection (a) of this section to address miner's health issues in this state.

(e) Payment made by the board from the account shall be payment of last resort and the board shall reduce any benefit which would be provided under this section by all other public and private sources which are available to the miner for the disability or condition.

(e) (f) As used in this section and W.S. 30-6-104:

(i) "Coal or other Mine" means an area of land from which minerals, coal or other geological materials are extracted and processed in nonliquid form or, if in liquid form, through an in situ leach process;

(ii) "Miner" means a current 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 persons providing labor or services at the mine or plant if the operator works qualifying processing or conversion facility on a continuing or irregular and regular basis whether employed by the mine owner or operator or hired on a contract basis. "Miner" shall not include persons providing labor or services at the mine or qualifying processing or conversion facility on an occasional or incidental basis as defined by board rule;

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(iii) "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;.

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

- (A) Physically resides in Wyoming;
- (B) Has made his permanent home in Wyoming;
- (C) Is not residing in Wyoming for a special or temporary purpose; and
- (D) Has abandoned his domicile in all other states, territories or countries.

(v) "Resident" means a United States citizen or legal alien who meets the requirements specified in W.S. 30-6-104.

Section 3. W.S. 30-6-103 is repealed.

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Section 4. This act is effective July 1, 2014.

(END)

Speaker of the House President of the Senate
Governor

TIME APPROVED: _____

DATE APPROVED: _____