## 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 of 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).