

CHAPTER II
DEFINITIONS, CONSTRUCTION, NOTICES, ETC

Section 1. Definitions.

- (a) “Administrator” means the person appointed by the Governor pursuant to W.S. 9-2-103 to administer the Division of Community Programs of the Department of Health.
- (b) “Adult” means a person who has reached the nineteenth (19th) anniversary of his birth, except in the case of adult developmental disabilities programs, “Adult” means a person who has reached the twenty-first (21st) anniversary of his birth.
- (c) “Applicant” means a community services board or a public or private agency applying to the Administrator for any right, authority, or state funding provided for under W.S. 35-1620.
- (d) “Certification” means recognition that the program meets the Division standards promulgated for the respective program areas and complies with the applicable laws and regulations.
- (e) “Client” means the individual recipient of services from the program provider.
- (f) “Community board” means either a community mental health board, or a substance abuse board, or a developmental disabilities board, or a family violence and/or sexual assault board, or a children’s shelter board, or a board offering a combination of human service programs created pursuant to W.S. 35-1-611 through 35-1-626 and declared therein to be a public agency.
- (g) “Complaint” means an action by a person, agency, or the Administrator against a program provider with respect to the health and welfare of the clients, and delivery or non-delivery of services to the clients and the quality of services delivered.
- (h) “Complainant” means any person or public or private agency or the Administrator who files a complaint against a provider receiving funds from the Division.
- (i) “Contested case” means a proceeding involving but not restricted to determination of client benefits, quality of client benefits and eligibility of client for services and formal complaints against providers in which proceeding the legal rights, duties, or privileges of a party are required by law or regulation to be determined by the Department or Division.
- (j) “Contract” means a written agreement between a program’s governing board and any other organization, agency, or individual creating a legal relationship that specifies state funds to be expended in exchange for services, personnel, or space to be provided to the program.
- (k) “Department” means the Department of Health and Social Services created by W.S. 9-2-101(a).
- (l) “Director” means the person appointed by the Governor as generally in charge of the Department pursuant to W.S. 9-2108(a).

- (m) “Division” means the Division of Community Programs of the Department which Division is the state mental health authority, the developmental disabilities authority, the substance abuse authority, the authority for family violence and sexual assault, and the authority for community service for troubled youth.
- (n) “Fiscal year” means July 1 through June 30.
- (o) “Fund” and “Funding” mean a contract made by the Division for the use of state funds for the delivery of human services.
- (p) “Governing body” means the duly elected or appointed qualified officers of a public agency, or the Board of Directors or Board of Trustees of a private agency.
- (q) “Intervenor” means a person or public or private agency whom the Administrator permits to become a party to any proceeding before the Administrator.
- (r) “Minor” means a person who has not yet reached the nineteenth (19th) anniversary of his birth, or in the case of adult developmental disabilities programs, a person who has not reached the twenty-first (21st) anniversary of his birth.
- (s) “Person” means an individual, a group of individuals, or a private or a public agency.
- (t) “Petitioner” means a person seeking relief against the Division on his own behalf.
- (u) “Presiding officer” means the person designated by the Administrator or Director to serve as the officer to preside at the taking of evidence in all contested cases.
- (v) “Private agency” means a corporation duly existing and qualified under the laws of the State of Wyoming which provides at least one (1) human services program which serves the residents of at least one (1) county; which has a director whose qualifications meet the standards fixed by the Division; whose duties are prescribed in the Charter or Bylaws of the Corporation; and which charges clients fees at a rate comparable to the uniform schedule of fees for services that has been promulgated by the Division.
- (w) “Program” means community facilities and services for the prevention and amelioration of mental illness, substance abuse, or developmental disabilities and community based facilities and services to shelter victims of family violence and sexual assault, and troubled youth or a combination or umbrella of those community facilities and services.
- (x) “Protest” means a written objection to an order or ruling of the Division.
- (y) “Protestant” means a provider who files a protest with the Division.
- (z) “Provider” means a person involved in the delivery of services purchased on a contract with the Division for the use of state funds in whole or in part for the delivery of human services.
- (aa) “Public agency” means an organization operated by a unit of local government or a

combination of local governments or agencies formed under the Wyoming Joint Powers Act to provide human services programs, including a Community Services Board established pursuant to W.S. 35-1-614(d).

(bb) “Region” means a section of Wyoming designated by the Division based on geography and population to be a service area for division programs.

(cc) “Respondent” means a human services provider receiving funds from the Division against whom a complaint has been filed concerning any act or omission allegedly committed in violation of W.S. 9-2-101 through 9-2-115 or W.S. 35-1-611 through 35-1-627 or any rule of the Division or Department.

(dd) “Umbrella agency” means a provider or more than one (1) service to the public.

(ee) “Waiver” means the decision by the Division to forego temporarily the enforcement or requirement of a particular regulation or standard of the Division with respect to a particular program.

Section 2. Rules of Construction. The construction of these rules shall be as provided in W.S. 8-1-103 where applicable and unless that construction is plainly contrary to the intent of the legislature and the Division.

Section 3. Notices and Communications.

(a) All applications, petitions, complaints, protests, and other written communications shall be addressed to the administrator, Division of Community Programs, Hathaway Building, Cheyenne, Wyoming 82002.

(b) All application, petitions, complaints, protests and other written communications shall be deemed to be received on the date they are actually delivered to the Administrator as documented by the stamped receipt date in the Division.

(c) Official notices required by law or by these rules to be served shall be served in person or by certified mail return receipt requested addressed to the last known address of the addressee. Service is deemed complete when the return receipt is received by the Division signed by the addressee or his agent and dated with the date of delivery.

Section 4. “Grandfather” Rights.

(a) All administrative actions by the Division, including standards and the designation of regions, which are in effect prior to fiscal year 1983 shall remain in effect for granting fiscal year 1984 contracts.

Section 5. Severability. If any provision is declared unconstitutional, the remaining provisions shall not be affected by the declaration.