RULES AND REGULATIONS
FOR LICENSURE OF HOSPICE PROGRAMS

CHAPTER 11

Section 1. Authority. These rules are promulgated by the Department of Health pursuant to the Health Facilities Act at W.S. §35-2-901 et seq. and the Wyoming Administrative Procedures Act at W.S. §16-3-101 et seq.

Section 2. Purpose. These licensure rules have been adopted to protect the health, safety, and welfare of patients and employees of Hospice Programs.

Section 3. Severability. If any portion of these rules is found to be invalid or unenforceable, the remainder shall continue in effect.

Section 4. Definitions.

The following definitions shall apply in the interpretation and enforcement of these rules.

Where the context in which words are used in these rules indicates that such is the intent, words in the singular number shall include the plural and vice versa. Throughout these rules gender pronouns are used interchangeably. The drafters have attempted to utilize each gender pronoun in equal numbers, in random distribution. Words in each gender shall include individuals of the other gender.

For purpose of these rules, the following shall apply:

(a) "Acceptable plan of correction" means the Licensing Division approved the Hospice plan to correct the deficiencies during an on-site survey conducted by the Survey Division or its designated representative. The plan of correction shall be a written document and shall provide, but not necessarily be limited to, the following information.

(i) Who is responsible for the correction.

(ii) What was done or will be done to correct the problem.

(iii) Who will monitor to ensure the situation does not develop again.

(iv) An appropriate date, not to exceed sixty (60) days after the last day of survey, for the correction of deficiencies.

(b) "Branch Office" means a location or site from which a hospice provides services within a portion of the total geographical area served by the parent agency. The branch office is part of the hospice and is located sufficiently close to the Hospice

Agency to share administration, supervision, and services in a manner that renders it unnecessary for the branch to maintain a separate license. Exception: Out of state branch offices shall be independently licensed in the State of Wyoming.

(c) "Complaint Investigation" means those investigations required to be performed by the Long Term Care Ombudsman per W.S. §9-2-1301 through W.S. §9-2-1309 or by the State Survey Agency as per the Agreement dated June 18, 1985 between the Secretary of the U.S. Department of Health and Human Services and the State of Wyoming.

(d) "Hospice" means a program of care for the terminally ill and their families given in a home or health facility which provides medical, palliative, psychological, spiritual and supportive care and treatment.

(e) "License" means the authority granted by the Licensing Division to operate a Hospice Program.

(f) "Licensee" means any person, association, partnership, or corporation holding a Hospice Program license.

(g) "Licensing Division" means the Department of Health, Office of Health Quality.

(h) "LSC" means NFPA 101 Life Safety Code cited in the Department of Health, Chapter III Construction Rules for Health Facilities.

(i) "NFPA" means the National Fire Protection Association.

(j) "Program Administration" means the rules and regulations promulgated by the Department of Health and developed by the program division for the day-to-day operation of the Hospice Program per W.S. §9-2-1208

(k) "Program Division" means the Department of Health, Division on Aging.

(l) "State Survey Agency" means the Department of Health, Office of Health Quality which has the primary responsibility to determine whether health care providers/suppliers do or do not meet federal certification standards to participate in the Medicare and/or Medicaid programs as per the agreement between the Secretary of the U.S. Department of Health and Human Service and the State of Wyoming dated June 18, 1985.

(m) "Survey" means an on-site evaluation conducted by the Survey Division or its designated representative to determine compliance with the State of Wyoming rules and regulations for the Hospice Programs.

(n) "Survey Division" means the Department of Health, Office of Health

Quality.

Section 5. Licensure. Applicants must demonstrate full compliance with paragraphs (a) and (b) of this section.

(a) Licensing Procedure.

(i) For an initial license to be issued, the Licensing Division shall receive:

(A) A completed application form as supplied by the Licensing Division;

(B) Each completed application shall be accompanied by the required licensure fee identified in Chapter 1, Rules and Regulations for Health Care Facilities Licensure Fees. The check or money order shall be made payable to the Treasurer, State of Wyoming; and

(C) An applicant shall demonstrate full compliance with the licensure requirements in paragraph (b) of this section.

(ii) For renewal of a full license for one (1) year beginning July 1st and, unless suspended or revoked, expiring on June 30th of the following year, the Licensing Division shall receive:

(A) A completed application form by the date stated in the application cover letter supplied by the Licensing Division; and

(B) The license fee as required in paragraph (a)(i)(B) of this section.

(b) Requirements for Licensure. The Licensing Division shall consider:

(i) Initial and periodic renewal licensure survey deficiencies cited by the Survey Division;

(ii) Complaint investigations and resolutions; and

(iii) Compliance with all laws and standards relating to communicable and reportable diseases as required by the Department of Health, State Health Officer and Public Health Division.

(c) Transfer of License.

(i) No license granted shall be assigned or transferred by the licensee

without prior written approval of the Licensing Division.

(A) Requests to assign or transfer a Hospice Program license shall be submitted in writing by the licensee to the Licensing Division at least thirty (30) days prior to the planned date of assignment or transfer.

(B) Any license approved for assignment or transfer by the Licensing Division shall be subject to the plan of correction for licensure submitted by the previous licensee.

(ii) If the Hospice Program name is changed, the Licensing Division shall be advised in writing, before the name change, by the current licensee and a new license shall be issued upon the receipt of an application and licensure fee.

(d) Conditions for Denying, Revoking, or Suspending a License.

(i) Denial, revocation, or suspension of a license may occur for noncompliance with any provisions of these licensure rules.

(e) Hearings.

(i) Any Hospice Program aggrieved by a decision of the Licensure Division may request a hearing by submitting a written request for hearing to the Licensure Division within ten (10) days of receipt of the adverse action.

(ii) Except in matters concerned with the spread of communicable disease, the Licensure Division (Nurse Administrator or designated representative) shall present the preliminary decisions and reasons for the decision to the parties concerned and shall provide an opportunity for a hearing. Any request for hearing shall adhere to the time frames of (i) above.

(iii) In matters concerned with the spread of communicable disease, the Wyoming State Health Officer or designated representative shall present the preliminary decisions and reasons for the decision to the parties concerned and shall provide an opportunity for a hearing. Any request for a hearing shall adhere to the time frames in (i) above.

(iv) Hearings requested under the terms of these licensure rules shall be held in accordance with the provisions of the Wyoming Administrative Procedures Act.

(f) Posting of License.

(i) The current license issued by the Licensing Division shall be displayed in a public area within the Hospice Program.

(g) Surveys for Licensure.

(i) The Survey Division shall perform initial and periodic surveys for renewal of licensure.

(A) These surveys shall be based on the current Licensure and Program Administration Rules and Regulations for Hospice Programs as promulgated by the Wyoming Department of Health. If there are conflicts between the Licensure and Program Administration Rules, the Licensure Rules take precedence.

(B) The Survey Division shall provide within ten (10) working days after the last day of survey, copies of its cited deficiencies to the Hospice Program and the Program Division.

(C) The Hospice Program shall provide an acceptable plan of correction for all cited survey deficiencies, within ten (10) working days after receipt of the deficiencies, to the Licensing Division.

(D) The Licensing Division shall provide written notification to the Hospice Program and to the Program Division as to whether the plan of correction is or is not acceptable. This notification shall be provided within ten (10) working days after receipt of the plan of correction.

(h) Voluntary Closure.

(i) If a Hospice Program voluntarily ceases to operate, it shall notify the Licensing Division in writing at least thirty (30) working days prior to the closure.

(ii) The first working day after closure, the Hospice Program license shall be hand carried or sent by certified mail to the Office of Health Quality; 2020 Carey Avenue, Eighth Floor; Cheyenne, WY 82002.

(iii) Personnel, financial and patient medical records shall be maintained by the licensee for a minimum of six (6) years after the month of closure.

Section 6. Construction/remodeling. Department of Health, Chapter III Construction Rules for Health Facilities apply.

Section 7. Life Safety and Electrical Safety. The requirements in the Department of Health, Chapter III Construction Rules for Health Facilities apply.