

Wyoming Administrative Rules

Health, Department of

Health Quality

Chapter 7: Boarding Homes

Effective Date: 12/10/1998 to Current

Rule Type: Current Rules & Regulations

Reference Number: 048.0026.7.12101998

**RULES AND REGULATIONS
FOR LICENSURE OF BOARDING HOMES**

CHAPTER 7

Section 1. Authority. These rules and regulations 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 residents and employees in Boarding Homes.

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.

(a) "Acceptable Plan of Correction" means the Licensing Division approved the plan to correct the deficiencies identified during an on-site survey conducted by the Survey Division or designated representative. The plan of correction shall be a written document and shall provide:

- (i) Who is responsible for the correction;
- (ii) What was done to correct the problem;
- (iii) Who will monitor to ensure that the situation does not develop again;

and

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

(b) "Boarding Home" means a dwelling or rooming house operated by any person, firm or corporation engaged in the business of operating a home for the purpose of letting rooms for rental, and providing meals and personal daily living care, but not habilitative or nursing care, for persons not related to the owner. Boarding home does not include a lodging facility or an apartment in which only room and board is provided.

(c) "Complaint Investigations" means those investigations required to be performed by the Long Term Care Ombudsman per W.S. 9-2-1305.

(d) "License" means the authority granted by the Licensing Division to operate a Boarding Home.

(e) "Licensee" means any person, association, partnership, or corporation to whom a Boarding Home license is issued.

(f) "Licensing Division" means the Department of Health, Office of Health Quality, Planning and Program Evaluation.

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

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

(i) "Ombudsman" means the Long Term Care Ombudsman as established in W.S. 9-2-1301 through 9-2-1309.

(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 Boarding Homes per W.S. 9-2-1208.

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

(l) "Survey" means an on-site evaluation conducted by the Survey Division to determine compliance with State rules and regulations for Boarding Homes.

(m) "Survey Division" means the Department of Health, Office of Health Quality, Planning and Program Evaluation.

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.

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

(ii) For renewal of a full license for one 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) Life Safety Code deficiencies cited by the Survey Division;
- (iii) Complaint investigations and resolutions per W.S. 9-2-1306; and
- (iv) 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 approval of the Licensing Division.

(A) Requests to assign or transfer a Boarding Home 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 Boarding Home name is changed, the Licensing Division shall be advised in writing by the current licensee and a new license will 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 Boarding Home aggrieved by a decision of the Licensure Division may request a hearing by submitting a written request within ten (10) days of receipt of the adverse action.

(ii) Except in matters concerned with the spread of communicable disease, the Licensure Division (Senior Management Consultant or designated representative) shall present the preliminary decisions and reasons for the decision to the parties con-

cerned 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 and the contested rules and regulations of the Wyoming Department of Health.

(f) Posting of License.

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

(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 Boarding Homes 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 Boarding Home and to the Program Division.

(C) The Boarding Home 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 Boarding Home 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 Boarding Home voluntarily ceases to operate, it shall notify the Licensing Division in writing at least five (5) working days prior to the closure.

(ii) The first working day after closure, the Boarding Home license shall be hand carried to or sent by certified mail to the Office of Health Quality,; 2020 Carey

Avenue, Eighth Floor; Cheyenne, WY 82002.

Section 6. Building and Physical Plant.

- (a) At least one flush toilet shall be provided for every eight (8) residents.
- (b) At least one tub or shower shall be provided for every ten (10) residents.
- (c) At least one lavatory and mirror shall be provided for every eight (8) residents.
- (d) All toilet-lavatory, shower tub areas shall have floors and walls of impermeable, cleanable, and easily sanitized materials.
- (e) Residents shall have access to toilet, hand washing and bathing facilities without having to pass through another resident's bedroom.
- (f) The floor of the tub and shower shall have non-skid surfaces. Handrails and/or grab bars shall be adjacent to the tubs, toilets and showers.
- (g) All bathrooms and toilet areas shall be properly lighted, and shall be vented.
- (h) Boarding homes licensed prior to March 1, 1987 shall have sleeping rooms to allow for sufficient space for not less than seventy-five (75) square feet of floor space per resident in a single-bed sleeping room and not less than sixty (60) square feet of floor space per resident in a multi-bed sleeping room with minimum of three (3) feet between beds.
- (i) Boarding homes licensed on or after March 1, 1987 shall provide sleeping rooms which allow for not less than one hundred (100) square feet of floor space per resident in a single-bed sleeping room and not less than seventy (70) square feet of floor space per resident in a multi-bed sleeping room with a minimum of three (3) feet between beds.
- (j) Each sleeping room shall be an outside room, provided with windows operable from the inside without the use of tools. The bottom of the opening shall not be more than 44 inches above the floor.
- (k) Boarding homes licensed on/or after the date of these Licensure Rules shall not have sleeping rooms below grade level; in an attic; basement; stairwell; hall; or any room commonly used for other than bedroom purposes.
- (l) Ceiling heights in sleeping rooms shall not be less than seven feet, six inches (7'6").
- (m) Site requirements. The building locations shall be:
 - (i) In a lawfully constituted fire district;

(ii) Serviced by an all-weather road kept open to motor vehicles at all times of the year; and

(iii) Accessible to physician and emergency medical services within thirty (30) minutes driving time.

(n) Occupancy Approval. Any building proposed for conversion to a boarding home shall be approved by the Licensing Division prior to issuance of a license. Any items of noncompliance shall be corrected prior to issuance of the license.

(o) All facilities exceeding one story in height shall be equipped with an automatic elevator. Facilities licensed prior to the effective date of these rules, shall meet the Life Safety Code of the National Fire Protection Association that was in effect at the time the facility was licensed as a boarding home. Multi-storied wood frame buildings shall be sprinklered.

Section 7. Mobile Homes. Mobile homes shall not be permitted for use as boarding homes or additions to existing boarding homes.

Section 8. Construction/remodeling. Department of Health Chapter III, Construction Rules for Health Facilities apply.

Section 9. Life Safety and Electrical Safety. The requirements in the Department of Health Chapter III, Construction Rules for Health Facilities apply.