

Health, Department of

Aging Division

Chapter 8: Program Administration for Boarding Homes

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**RULES AND REGULATIONS
FOR PROGRAM ADMINISTRATION FOR BOARDING HOMES**

CHAPTER 8

Section 1. Authority. These rules are promulgated by the Department of Health pursuant to W.S. §9-2-1204 et seq. and the Wyoming Administrative Procedure Act W.S. §16-3-101 et seq.

Section 2. Purpose. These rules have been adopted for the day to day operation of 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) "Abuse" means any physical or mental injury or sexual assault inflicted on a resident.

(b) "Adult" means a person who is 18 years of age or older.

(c) "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 rent and providing meals and personal care, but not nursing care, for persons not related to the owner.

(d) "Chief Administrative Officer" means the Director, Department of Health per W.S. §9-2-101(e), or the designated licensure representative.

(e) "Complaint Investigations" means those investigations required to be performed by the Long Term Care Ombudsman per W.S. §9-2-1301 through §9-2-1309.

(f) "LSC" means NFPA 101 Life Safety Code, as promulgated by the Wyoming Department of Health, Construction Rules for Health Facilities, Chapter III.

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

(h) "Neglect" means failure to provide care necessary to insure the health, safety, and well-being of a resident; failure to make reasonable effort to discover what care is necessary for the well-being of a resident; or failure to provide a safe and sanitary environment (whether intentional, careless, or due to inadequate experience, training, or skill).

(i) "HACCP" means the Hazard Analysis Critical Control Point.

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

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

(l) "Manager or Operator" means the person responsible for the overall operation of the boarding home.

(m) "Resident Services" means those services a boarding home provides for each resident which include, but are not limited to:

- (i) Meals;
- (ii) Housekeeping and laundry services;
- (iii) Supervision of self administration of medications; and
- (iv) A safe and sanitary living environment.

(n) "Program Administration" means the rules and regulations promulgated by the Department of Health as developed by the Program Division for the day-to-day operation of Boarding Homes per W.S. §9-2-1208.

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

(p) "Resident" means a person 18 years or older, unrelated to the provider, who provides compensation for residing in the boarding home.

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

Section 5. Management.

(a) Manager shall:

(i) Be a responsible adult at least 21 years of age or a couple, each of whom is at least 21 years of age;

(ii) Be familiar with and follow these rules;

(iii) Be responsible for the daily operation of the boarding home and for the safety and well-being of residents. In the manager's absence, there shall be a responsible designee at least 21 years of age (who is not a resident of the facility) to assume the responsibility of the boarding home;

(iv) Provide orientation to all new employees which shall include resident rights, evacuation and emergency procedures, training in policies and procedures, and competent supervision designed to improve resident care;

(v) Have a current tuberculin skin testing prior to licensure. The staff shall have tuberculin skin testing prior to employment and annually thereafter;

(vi) Provide verification of a Department of Family Services central registry check on self and/or manager, and all employees hired at the time or after the filing of these rules. The manager is responsible for initiating and following this process to completion.

(vii) Not act as, or become, the legal guardian of or have power of attorney for any resident.

(b) Staffing.

(i) There shall be an adequate number of personnel on duty to maintain order, safety, and cleanliness of the premises, to prepare and serve meals, to keep an adequate supply of clean linens, to assist the residents in personal needs, recreational activities, and to meet the operational needs of the home.

(ii) No person with a reportable communicable, contagious or infectious disease shall be employed.

(iii) A file for each employee shall be maintained and available to the surveyor containing at least the following information:

- (A) Name, current address and telephone number;
- (B) Social Security Number;
- (C) Education;
- (D) Work experience;
- (E) Date of employment;
- (F) Job description;
- (G) Documentation of tuberculin testing; and
- (H) Employee training, orientation, and emergency procedure check-

list.

(c) Policies and Procedures.

(i) There shall be written policies and procedures available to residents, their families or legal representatives, staff, and the public. The policies and procedures shall include, but not be limited to:

- (A) Resident's Rights;
- (B) Admission, transfer, and discharge of residents;
- (C) Medications and administration;
- (D) Departure from and return to facility;
- (E) House rules, to include freedom permitted and limitations necessary to protect the rights of others;
- (F) Visiting hours;
- (G) Religious services;
- (H) Notifications in change in resident status;

- (I) Resident records;
- (J) Emergency care, disaster plans;
- (K) Smoking policy;
- (L) Fire plan;
- (M) Personnel policies;
- (N) Reporting of all complaints to the Long Term Care Ombudsman;
- (O) Grievance policy; and
- (P) Quality Assurance Plan.

(d) Admission, Transfer, and Discharge.

(i) The written admission policy shall include restrictions to admission to a boarding home.

(ii) Residents shall not be accepted, nor retained, if:

(A) Their condition indicates the need for assisted or skilled nursing care;

(B) They have reportable communicable diseases or infectious conditions;

(C) They have physical limitations preventing ambulation. Persons requiring wheelchairs or walkers shall be able to exit the building without staff assistance;

(D) They require assistance in transferring to and from a wheelchair;

(E) They have mental defects which interfere with their ability to understand and follow instructions relating to rules of the boarding home;

(F) They require intravenous therapy;

(G) They are incapable of self-administration of medications; or

(H) They are wanderers, or have destructive, aggressive or violent behavior toward self or others.

(iii) Each resident shall designate a personal physician and dentist to be called in case of an emergency. The boarding home shall make necessary arrangements to secure the services of a licensed physician if the resident's own physician is not available.

(iv) In the event of illness or injury of a resident, the resident's personal physician and the resident's designated representative shall be called.

(e) Transfer and Discharge.

(i) A resident may not be

moved, transferred, discharged or asked to leave without fourteen (14) days written notice to the resident, or the resident's legal representative, guardian or conservator, stating the reasons for the request. Residents shall have the right to object to the request, except where undue delay might jeopardize the health, safety or well-being of the resident or others.

(ii) The written notice shall include the name, address, and telephone number of the person giving the notice; the date of the notice; the resident's name; the reason for the transfer or discharge; the effective date; the location to which the resident is being transferred or discharged; and the name and telephone number of the State Long Term Care Ombudsman.

(f) Resident Records and Reports.

(i) Resident's records shall be current, organized and maintained in individual folders which shall be available on the premises. Resident records shall be made available to the resident and the Long Term Care Ombudsman, Program Division and the Licensing Division upon request and include the following:

(A) The resident's history and physical and the current physician's statement or certificate of resident's health and suitable placement. The physician's statement or certificate of resident's health shall be updated annually.

(B) Individual admission form shall contain, but not necessarily be limited to, the following information:

(I) Full name of resident and former address;

(II) Date of admission;

(III) If applicable, name, home address, telephone number of interested family member, designated representative, power of attorney, or guardian;

(IV) Medicare number or other medical insurance; and

(V) Sex, race, date of birth, social security number, and former occupation.

(ii) Written records of all accidents, injuries and illnesses, and subsequent treatment occurring after admission.

(iii) The boarding home shall notify the Program Division within Seventy-Two (72) hours of an unusual death, serious injury or accident, fire or other emergency situations. All such occurrences shall be documented.

(iv) A written account of all personal possessions and funds deposited with the boarding home.

(v) A signed copy of the resident's rights.

(vi) The resident shall be assured of confidential treatment of all information in his/her records, and his/her written consent (or consent of family or guardian) shall be required for the release of information to persons not otherwise authorized to receive it.

(vii) All resident's records shall be retained for a minimum of six (6) years after the resident has left the home and may be disposed of after that time, unless litigation is pending.

(viii) All records shall be protected from damage by fire, water and other hazards.

Section 6. Complaint Investigations.

(a) Formal complaints and problems of residents shall be referred in writing to the Long Term Care Ombudsman.

(b) The office of the Ombudsman shall complete all complaint investigations within an appropriate time frame depending upon the seriousness of the allegations.

(c) Written reports of investigations and the status of resolutions shall be provided to the Department's Director designee, which is the Licensing Division, within thirty (30) days after the investigation.

Section 7. Grievance Procedure.

(a) The written grievance procedure shall establish a system of reviewing complaints and allegations of residents' right violations to include, but not limited to:

(i) Resident method to voice grievances;

(ii) Documentation of the provider's response to verbal and written resident grievances;

(iii) List of agencies, with address and telephone numbers for residents to contact if grievances are not addressed satisfactorily (e.g. State Long Term Care Ombudsman); and

(iv) Written reports of the grievances and resolutions shall be provided to the Department Director's designee, which is the Licensing Division, within ten (10) days after the grievance is filed.

Section 8. Residents' Rights.

(a) Every resident in a boarding home shall have the right to:

(i) Private and unrestricted communication. This right shall include, but is not limited to:

(A) Receive, send and mail sealed, unopened correspondence. No resident's incoming or outgoing correspondence shall be opened, delayed, held or censored;

- and
- (B) Reasonable access to a telephone for private communications;
 - (C) An opportunity for private visits.
- (ii) Present grievances on his/her own behalf or others to the staff or public officials or to any other person without justifiable fear of reprisal and to join with other residents or individuals within or outside of the facility to work for improvements in resident care.
 - (iii) Manage his/her own financial affairs, unless the resident delegates, in writing, someone else of the resident's choosing and that person accepts the responsibility.
 - (iv) Be fully informed, prior to or at the time of admission, and during stay, of services available in the boarding home and of related charges including any charges for services not covered by the boarding homes's basic per diem rate.
 - (v) Physical and emotional privacy in treatment, living arrangements and in caring for personal needs, including, but not limited to:
 - (A) Privacy for visits by spouse. If both spouses are residents of the boarding home, they shall be permitted to share a room unless medically contraindicated as documented by the resident's physician in the resident's record.
 - (B) Privacy concerning health care. Persons not directly involved in the resident's care shall require the resident's permission to authorize their presence.
 - (C) Confidentiality of health and personal records, and the right to approve or refuse their release to any individual outside the boarding home except in the case of the resident's transfer to another facility or as required by law.
 - (vi) Not be required to perform services for the boarding home except for therapeutic purposes.
 - (vii) Meet with, and participate in activities of social, religious and community groups at the resident's discretion.
 - (viii) Retain and use personal clothing and effects and to retain, as space permits, other personal possessions in a reasonably secure manner.
 - (ix) Be transferred or discharged, and be given reasonable advance notice of any planned transfer or discharge, and an explanation of the need for and alternatives to such transfer or discharge. The facility to which the resident is to be transferred must have accepted the resident for transfer, except in a medical emergency.
 - (x) Be free from mental and physical abuse.
 - (xi) Receive adequate and appropriate care within the capacity of the boarding home.
- (b) The manager shall give every resident a copy of his or her rights upon admission.

(c) The rights shall be read to those residents who are unable to read, and any questions a resident may have shall be answered.

(d) A copy of the residents' rights shall be kept in the resident's record, signed and dated by the resident.

(e) Each boarding home shall establish a system of reviewing complaints and allegations of violations of residents' rights. The boarding home shall designate a specific individual who, for the purpose of effectuating this system shall report to the manager.

(f) In order to ensure that residents continue to be aware of these rights and responsibilities outlined in this Section, a written copy shall be prominently posted in a location that is available to all residents.

Section 9. Infection Control.

(a) The provider shall maintain a safe and sanitary environment for residents and staff. This shall include but not be limited to:

(i) Staff shall practice judicious handwashing when there is direct contact with residents or their food.

(ii) Bathrooms shall have soap and toilet paper. Paper towels or a hand blower or rack space adequate for each resident using the bathroom to hang his/her personal towel. Use of a common towel is prohibited.

(iii) Clean drinking glasses shall be available for the residents. Common drinking glasses are prohibited.

(iv) Each resident shall have an individual comb, toothbrush, towels and washcloths.

(v) Housekeeping practices and procedures shall be employed to keep the home free of offensive odors and accumulations of dirt and dust.

(vi) Floors shall be maintained clean.

(vii) Garbage and trash shall be stored in tightly covered containers.

(viii) The home shall be maintained free of insects, rodents and other vermin.

(ix) Private water systems shall be tested and found to be safe and potable before a license will be granted. Subsequent testing for safety and potability will be done monthly and records retained for at least two (2) years.

(x) Linens and laundry. Laundry service for residents' personal clothing shall be provided. Two complete changes of clean bed linen shall be on hand for each licensed bed. The use of torn or unclean bed linen is prohibited. Measures will be taken to ensure that residents clothing is not lost or misplaced in the process of laundering.

(A) Bed linen will be changed as necessary but at least weekly. Additional blankets or pillows will be provided as the need arises. Rubber or water protective sheets shall be used if needed.

(B) All linens and laundry shall be bagged or placed in a hamper before being transported to the laundry area.

(C) Soiled linens shall not be transported through, sorted, processed or stored in kitchens, food preparation areas or food storage areas.

Section 10. Food Service and Nutrition.

(a) A minimum of three (3) meals in a twenty-four (24) hour period shall be provided each resident. When a resident refuses food, substitutes of the same nutritional value shall be offered.

(b) Individuals with food preparation responsibilities shall be in good health and shall practice safe food handling techniques in accordance with the current edition of Food Code published by the U.S. Public Health Service, Food and Drug Administration.

(i) Such food handling techniques include preparing, holding, and storing food at safe temperatures.

(ii) Reheating potentially hazardous leftover foods shall meet HACCP (Hazard Analysis Critical Control Point) temperature guidelines for safety.

(c) If a resident requires a special diet, a copy of the diet shall be obtained from the resident's physician. A copy of the diet order shall be kept in the residents file and a copy of the diet shall be kept in the kitchen.

(d) Residents for whom such diets cannot be supplied shall not be accepted or retained in residence.

(e) There shall be enough food on hand to meet at least a week's menus.

(f) Menus shall be prepared at least a week in advance and posted in the kitchen. Written menus shall be corrected to show the food actually served and the corrected copy kept on file for three (3) months.

(g) The kitchen and dining area shall be kept clean, sanitary and provided with suitable furniture and adequate space to comfortably seat all residents.

(h) Only dishes and utensils with the original smooth finishes shall be used. Cracked, chipped, scratched, permanently stained dishes, cups or glasses, damaged, corroded utensils or cookware shall not be used. Equipment shall be easily cleanable.

(i) Cleaning and sanitizing of dishes and silverware shall be done by automatic dish washers.

(j) Persons handling soiled tableware and/or silverware shall wash their hands

before handling clean ware.

(k) No fly strips shall be allowed in the kitchen or dining area.

(l) Filters, exhaust hoods, ranges, deep fat fryer, ovens and other similar items shall be operable and maintained clean.

Section 11. Furnishings.

(a) Provisions shall be made for privacy in all bath and toilet rooms.

(b) Automatic deodorizers or aerosol freshener shall not be used except in bathrooms.

(c) Multiple bedrooms shall not be occupied by more than four (4) residents regardless of its size.

(d) Married residents shall be allowed to occupy the same room and the use of a double bed, if so desired. This is subject to limitations provided in Section 8(a)(v)(B).

(e) No room shall be used for a resident's bedroom which can only be reached by passing through another resident's room.

(f) Bedrooms shall be clean, well lighted, ventilated and equipped with the following:

(i) All bedroom windows shall have drapes, curtains, shades or blinds to assure privacy;

(ii) Beds shall be a standard size in width (39"), (rollaway-type beds, cots and folding beds shall not be used), equipped with comfortable, clean mattresses and pillows. Mattresses shall be professionally renovated or replaced as needed. Extra long beds shall be used to accommodate tall residents;

(iii) Cabinet or bedside table;

(iv) Noncombustible wastebasket;

(v) Chair; and

(vi) Common closets utilized by two (2) or more residents shall be provided with dividers for separation of each resident's clothing. All closets shall be equipped with doors. Free-standing closets shall be deducted from the square footage in the sleeping room.

(g) Residents shall be permitted to bring personal items and furnishings for their rooms if they desire and space is available.

(h) There shall be at least one (1) bedside screen available to provide resident privacy when needed.

Section 12. Medications.

- (a) Drugs shall be self-administered.
- (b) The manager or staff shall be responsible for providing necessary assistance to the resident in taking his medications; including but not limited to:
 - (i) Reminding the resident to take medications;
 - (ii) Removing medications containers from storage;
 - (iii) Assisting with the removal of the medication cap;
 - (iv) Assisting with the removal of the medication from a container for residents with a disability which prevents independence in this act; and
 - (v) Observing the resident take the medication.
- (c) The facility shall maintain a record of medication, for a period of one year, doses not taken by any resident in the facility.
- (d) The medication record shall indicate the reason for the omission of any dose of medication.
- (e) A record of medications taken on a P.R.N, basis shall be kept for a period of one year.
- (f) Prescription drugs shall be from a licensed pharmacy, labeled with the name, address, and telephone number of the pharmacist, name of the resident, name and strength of the drug, directions for use, date filled, prescription number and name of physician. Controlled substances shall have a warning label on the bottle.
- (g) There shall be locked storage space provided for resident's medications.
- (h) The manager shall destroy all discontinued prescriptions other than controlled substances by flushing down the toilet. An appropriate notation of disposition noting quantity, name of drug and prescription number shall be documented on the resident's record and signed by the person disposing of the medication.
- (i) Controlled substances shall be destroyed by the State Board of Pharmacy -contact (307) 234-0294.

Section 13. Building and Physical Plant.

- (a) There shall be an adequate supply of hot and cold water available at each lavatory, bathtub/shower, kitchen sink, dishwasher, and laundry equipment.
 - (i) All plumbing shall be maintained in good repair and in accordance with the requirements of the Uniform Plumbing Code.
- (b) Fireplaces shall be securely screened and glassed in.

(c) The home shall be maintained so that it is free of hazards, such as loose or broken window glass, loose or cracked floors or floor coverings, cracked or loose plaster on walls or ceilings.

(d) At least one primary grade level entrance to the building shall be freely accessible for wheelchairs.

Section 14. Evacuation Capability, Emergency Procedures and Fire Safety.

(a) Evacuation Capability.

(i) Fire safety and evacuation review shall meet the requirements of Chapter 23 of the NFPA Life Safety Code 101, 1994 edition.

(b) Emergency Procedures.

(i) Disaster and Emergency Preparedness.

(A) The facility shall have detailed written plans and procedures to meet all potential emergencies and disasters, such as fire, severe weather, and missing residents.

(B) The facility shall train all employees in emergency procedures when they begin work in the facility. The facility shall review the procedures with existing staff at least once in each 12 month period.

(c) Fire Safety.

(i) Portable Fire Extinguishers.

(A) Fire Extinguishers shall be inspected and serviced annually by an individual certified by the State of Wyoming. New and serviced fire extinguishers shall have service tags attached showing date of purchase and/or date of service.

(B) Fire Extinguishers shall be mounted to the wall at a location near an exit. The top of the fire extinguisher shall not be more than five (5) feet from the floor level. Extinguishers shall not be obstructed or obscured from view. Extinguishers shall not be stored or mounted in cupboards or broom closets.

(ii) Emergency numbers shall be located near the telephone in large print.

(iii) There shall be an evacuation plan for the removal of residents in case of fire or other emergencies.

(A) The evacuation plan shall be posted in a conspicuous place in the building.

(B) The evacuation plan shall be discussed with each resident at the time of his/her admission.

(C) The new resident shall be conducted through the entire procedure, including the location of all exits, during his first day in the boarding home. This shall be documented in the resident record.

(iv) A simulated drill shall be performed every month at irregular hours, and all residents shall participate. A written record of each drill shall be kept on file.

(d) Furnaces shall be approved and shall be cleaned (including filters) as often as necessary to prevent the accumulation of lint and dust. No stove or combustion heater shall be so located as to block escape in case of fire arising from malfunction.

Section 15. Licensing.

(a) Shall be in accordance with the current licensure rules and regulations for Boarding Homes as promulgated by the Department of Health.

(b) Copies of the licensure rules can be obtained from the Licensing Division, Office of Health Quality, 2020 Carey Avenue, 8th Floor, Cheyenne, WY 82002, Telephone: (307)777-7123