

Wyoming Administrative Rules

Health, Department of

Health Quality

Chapter 19: Licensure of Nursing Care Facilities

Effective Date: 06/26/2000 to Current

Rule Type: Current Rules & Regulations

Reference Number: 048.0026.19.06262000

**RULES AND REGULATIONS
FOR LICENSURE OF NURSING CARE FACILITIES**

CHAPTER 19

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 rules have been adopted to protect the health, safety and welfare of residents and employees in Nursing Care Facilities.

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 interchangeable. 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 regulations, the following shall apply:

(a) “Acceptable Plan of Correction” means the Licensing Division approved the Nursing Care Facility’s plan to correct the deficiencies identified 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 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 that the situation does not reoccur.

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

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

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

(d) “License” means the authority granted by the Licensing Division to operate a Nursing Care Facility.

(e) “Licensee” means any person, association, partnership, or corporation holding a Nursing Care Facility license.

(f) “Licensing Division” means the Department of Health, Office of Health Quality.

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

(h) “NEC” means the National Electrical Code.

(i) “NFPA” means the National Fire Protection Association.

(j) “Nursing Care Facility” means an institution which is a skilled nursing facility (SNF) or a nursing facility (NF) which is currently licensed and meets the requirements of these rules and regulations.

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

(l) “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 a Nursing Care Facility.

(m) “Program Division” means the Department of Health, Aging Division.

(n) “Quality Management Program” means a program developed and implemented by the Nursing Care Facility to evaluate and improve resident care and services.

(o) “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 Medicaid or Medicare programs as per the agreements between the Secretary of the U.S. Department of Health and Human Services and the State of Wyoming dated June 18, 1985.

(p) “Survey” means an on-site evaluation conducted by the Survey Division or its designated representative to determine compliance with State rules and regulations for Nursing Care Facilities.

(q) “Survey Division” means the Department of Health, Office of Health Quality or its designated representative.

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 annual renewal licensure survey deficiencies cited by the Survey Division;

(ii) Life Safety Code deficiencies cited by the Survey Division;

(iii) Complaint investigations and resolutions;

(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; and

(v) The effectiveness of the quality management program.

(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 Nursing Care Facility 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 owner.

(ii) If the Nursing Care Facility's name is changed, the Licensing Division shall be advised in writing, before the name is changed, 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) Suspension of Admissions.

(i) The Licensing Division may suspend new admissions or re-admissions to the Nursing Care Facility when conditions are such that resident needs cannot be met. Conditions in a Nursing Care Facility shall not jeopardize the resident's health or safety.

(f) Monitor.

(i) The Licensing Division may place a Department of Health approved monitor at the owner's expense when conditions are such that residents' needs are not being met by the Nursing Care Facility. The monitor shall insure that neither the health nor the safety of the resident is jeopardized.

(g) Hearings.

(i) Any Nursing Care Facility aggrieved by a decision of the Licensing Division may request a hearing by submitting a written request to the Licensing 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.

(h) Posting of License.

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

(i) Surveys for Licensure.

(i) The Survey Division or its designated representative shall perform initial and periodic surveys for the renewal of licensure.

(A) These surveys shall be based on the current Licensure and Program Administration Rules and Regulations for Nursing Care Facilities 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 Nursing Care Facility and Program Division.

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

(ii) At the time of survey, all records, including resident medical records, pertaining to matters involved in the survey shall be made available to members of the survey team in their assigned disciplines.

(j) Voluntary Closure.

(i) If a Nursing Care Facility 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 Nursing Care Facility's 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.

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

Section 6. Disaster Plan.

(a) All Nursing Care Facilities shall develop and adopt a written disaster preparedness plan in accordance with the Chapter 11, "Health Care Emergency Preparedness", of NFPA 99, Standard for Health Care Facilities.

Section 7. Construction/Remodeling. Department of Health Chapter III, Construction Rules for Health Facilities apply.

Section 8. Life Safety and Electrical Safety. Department of Health Chapter III, Construction Rules for Health Facilities apply.

(i) Nursing Care Facilities operating 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 Nursing Care Facility.