

Wyoming Administrative Rules

Health, Department of

Health Quality

Chapter 2: Licensure of Adult Day Care Programs

Effective Date: 04/20/2000 to Current

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**RULES AND REGULATIONS
FOR LICENSURE OF ADULT DAY CARE FACILITIES**

CHAPTER 2

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 clients being provided services in Adult Day Care Facilities per W.S. 35-2-901(a)(xxiii).

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. 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 the survey, for the correction of deficiencies.

(b) “Adult Day Care Facility” means any facility not otherwise certified by the Department of Health, engaged in the business of providing activities of daily living support and supervision services programming based on a social model, to four (4) or more persons eighteen (18) years of age or older with physical and mental disabilities.

(c) “Adverse action” means the facility is in disagreement or opposition to the decision of noncompliance rendered by the licensing agency.

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

(e) “Fire Prevention and Building Construction” means those standards as adopted by the Wyoming Department of Fire Prevention and Electrical Safety or designated representative.

(f) “License” means the authority granted by the Licensing Division to operate an Adult Day Care Facility.

(g) “Licensee” means any person, association, limited liability company, partnership, or corporation to whom an Adult Day Care Facility license is issued.

(h) “Licensing Division” means the Department of Health, Office of Health Quality, Planning and Program Evaluation.

(i) “Ombudsman” means the Long Term Care Ombudsman as established in W.S. 9-2-1301 through 9-2-1308.

(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 Adult Day Care Facilities 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 of Wyoming rules and regulations for Adult Day Care Facilities.

(m) “Survey Division” means the Wyoming Department of Health, Division on Aging.

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

(a) Licensing Procedure.

(i) In order to issue an initial license, the Licensing Division shall receive:

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

(B) The required licensure fee identified in Chapter 1, Rules and Regulations for Health Care Facilities Licensure Fees;

(1) 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) In order to issue a renewal of a full license for a period of 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) Fire prevention and/or building construction deficiencies cited by the Wyoming Department of Fire Prevention and Electrical Safety or designated representative;

(iii) Complaint investigations and resolutions per W.S. 9-2-1305 and 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 the prior approval of the Licensing Division.

(A) Requests to assign or transfer an Adult Day 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; and

(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 Adult Day Care Facility's name is changed, the Licensing Division shall be advised in writing by the current licensee and a new license could be issued upon the receipt of an application and licensure fee.

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

(i) The Licensing Division may deny, revoke, or suspend a license upon noncompliance with any provisions of these licensure rules.

(e) Hearings.

(i) Any Adult Day Care Facility aggrieved by a decision of the Licensure Division may request a hearing by submitting a written request within ten (10) days of the notice 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 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 to the parties concerned and shall provide an opportunity for a hearing. Any request for a hearing shall adhere to the time frames of (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. The current license issued by the Licensing Division shall be displayed in a public area within the Adult Day Care Facility.

(g) Surveys for Licensure.

(i) The Survey Division shall perform initial and annual renewal licensure surveys.

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

(B) The Survey Division shall provide, within ten (10) working days after the last day of the survey, copies of its cited deficiencies to the Adult Day Care Facility and to the Licensing Division.

(C) The Adult Day Care Facility shall provide an acceptable plan of correction for all cited survey deficiencies, within ten (10) working days following the receipt of the cited deficiencies from the Survey Division, to the Licensing Division.

(D) The Licensing Division shall provide written notification to the Adult Day Care Facility 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 an Adult Day 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 Adult Day Care Facility 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 patient medical records shall be maintained by the licensee for a minimum of six (6) years after the month of closure.

(A) All recipients of Adult Day Care Facility services shall be notified of the date of voluntary closure and copies shall be provided to each recipient at a reasonable cost.