

Wyoming Administrative Rules

Health, Department of

Emergency Waivers for Health Care Facilities

Chapter 1: Emergency Waivers for Health Care Facilities

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Chapter 1

Emergency Waivers for Health Care Facilities

Section 1. Authority. The Wyoming Department of Health (Department) promulgates this chapter pursuant to Wyoming Statutes 9-2-1204, 35-1-240(a)(ii), 35-2-908, and 35-4-101.

Section 2. Purpose and Applicability.

(a) This chapter establishes the Department's authority to waive Department rules regarding the licensing and operations of health care facilities in order to:

- (i) Manage the spread of communicable disease; and
- (ii) Respond to emergency situations that significantly impact a facility's capability to provide safe care.

Section 3. Waivers.

(a) Upon the request of a health care facility or at the Department's own motion, the Department may waive a requirement established under the rules identified in subsection (b) of this section if the Department determines the waiver is necessary:

- (i) To manage and control a communicable disease; or
- (ii) To protect the health, safety, and welfare of patients in response to an emergency.

(b) Pursuant to the conditions of subsection (a) of this section, the Department may waive a requirement established under the following rules:

- (i) *Rules, Department of Health, Aging Division, chapter 7 (1999);*
- (ii) *Rules, Department of Health, Aging Division, chapter 8 (1998);*
- (iii) *Rules, Department of Health, Aging Division, chapter 9 (2001);*
- (iv) *Rules, Department of Health, Aging Division, chapter 10 (2016);*
- (v) *Rules, Department of Health, Aging Division, chapter 11 (2000);*
- (vi) *Rules, Department of Health, Aging Division, chapter 12 (2007);*
- (vii) *Rules, Department of Health, Aging Division, chapter 13 (2008);*

- (viii) *Rules, Department of Health, Health Quality*, chapter 1 (1998);
- (ix) *Rules, Department of Health, Health Quality*, chapter 2 (2000);
- (x) *Rules, Department of Health, Health Quality*, chapter 4 (2001);
- (xi) *Rules, Department of Health, Health Quality*, chapter 5 (2003);
- (xii) *Rules, Department of Health, Health Quality*, chapter 7 (1998);
- (xiii) *Rules, Department of Health, Health Quality*, chapter 8 (1998);
- (xiv) *Rules, Department of Health, Health Quality*, chapter 10 (2001);
- (xv) *Rules, Department of Health, Health Quality*, chapter 13 (2001);
- (xvi) *Rules, Department of Health, Health Quality*, chapter 14 (1997);
- (xvii) *Rules, Department of Health, Health Quality*, chapter 15 (1999);
- (xviii) *Rules, Department of Health, Health Quality*, chapter 16 (1997);
- (xix) *Rules, Department of Health, Health Quality*, chapter 18 (1998);
- (xx) *Rules, Department of Health, Health Quality*, chapter 19 (2000);
- (xxi) *Rules, Department of Health, Health Quality*, chapter 26 (2019);
- (xxii) *Rules, Department of Health, Healthcare Licensing and Surveys*, chapter 1 (1994);
- (xxiii) *Rules, Department of Health, Healthcare Licensing and Surveys*, chapter 3 (2008);
- (xxiv) *Rules, Department of Health, Healthcare Licensing and Surveys*, chapter 12 (2012);
- (xxv) *Rules, Department of Health, Healthcare Licensing and Surveys*, chapter 17 (2004);
- (xxvi) *Rules, Department of Health, Healthcare Licensing and Surveys*, chapter 20 (2004);
- (xxvii) *Rules, Department of Health, Healthcare Licensing and Surveys*, chapter 21 (2010);

(xxviii) *Rules, Department of Health, Healthcare Licensing and Surveys*, chapter 22 (2012);

(xxix) *Rules, Department of Health, Healthcare Licensing and Surveys*, chapter 25 (2019); and

(xxx) Any other rule promulgated pursuant to the Department's authority over the licensing and operations of health care facilities, including W.S. 9-2-1201 to -1215 and W.S. 35-2-901 to -913.

(c) If the Department denies a facility's request for waiver, the facility is not entitled to request a contested case proceeding pursuant to the Wyoming Administrative Procedure Act, W.S. 16-3-101 to -115.

(d) If the Department waives a requirement of rule pursuant to this section, the Department may require the impacted facility to implement an alternative action plan. The alternative action plan must include standards and conditions the Department deems necessary to protect the health, safety, and welfare of patients while managing and controlling the communicable disease or responding to the emergency.