

Wyoming Administrative Rules

Health, Department of

Aging Division

Chapter 7: Program Administration for Adult Day Care Facilities

Effective Date: 07/20/1999 to Current

Rule Type: Current Rules & Regulations

Reference Number: 048.0003.7.07201999

**RULES AND REGULATIONS
FOR PROGRAM ADMINISTRATION FOR ADULT DAY CARE FACILITIES**

CHAPTER 7

Section 1. Authority.

These rules are promulgated by the Department of Health pursuant to Article 12 of the Senior Citizens Act, W.S. §9-2-1201 et seq., W.S. §35-2-901 et seq., and are amended by Enrolled Act #0122, House Bill #0233, per W.S. §35-2-901(a)(xxiii) and the Wyoming Administrative Procedures Act at W.S. §16-3-101 et seq.

Section 2. Purpose.

These program administration rules have been adopted to provide criteria for the day-to-day operations of adult day care facilities.

(a) The purpose of the Program Administration Rules and Regulations for Adult Day Care Facilities is to protect aged, blind, or adults with disabilities who are away from their homes during a part of the day by:

(i) Ensuring that the activities and services of adult day care facilities are conducive to the well-being of the participants; and

(ii) Reducing risks in the caregiving environment.

(b) Adult day care is a community-based group program designed to meet the needs of adults with physical or mental disabilities through an individual activity care plan. It is a structured, comprehensive program that provides a variety of health, social, and related support services in a protective setting during any part of a day but less than 24-hour care.

(c) Individuals who participate in adult day care attend on a planned basis during specified hours.¹ Adult day care assists its participants to remain in the community and prevents inappropriate or premature institutionalization, enabling families and other care givers to continue caring for an impaired individual at home.

Section 3. 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 interchangeably. 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) “ADAAG” means the Adult with Disabilities Act Accessibility Act Guidelines.

(b) “Administer medicine” means to read the label, to open the container of medicine, to remove the prescribed dosage, and to give it to the person for whom it is prescribed. State of Wyoming Nurse Practice Act states that only people authorized by state law may administer medicine. People authorized to administer medicine include licensed physicians, registered nurses, licensed practical nurses, physicians’ assistants, and other individuals who meet the requirements of the law.

(c) “Adult” for the purposes of these rules means any person eighteen(18) years of age or older in accordance with W.S. §35-2-901(a)(xxiii).

(d) “Adult Day Care Center 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 or older with physical or mental disabilities.

(e) “Ambulatory” means the ability of a person who is physically and mentally able to make an exit from a building in an emergency without the assistance of another person or without the use of any device such as, but not limited to, a wheelchair, walker or leg prosthesis. The determination of whether a person is ambulatory shall be based on information contained in the report of the physical examination as required by Section 12(b)(iii) of these rules and regulations. NOTE: This is not a medical definition, but is related to the placement of elderly and impaired adults in buildings that are appropriate in terms of fire safety.

(e) “Care” means assistance with the activities/tasks of daily living provided to participants.

(f) “Certified Nurse’s Aid (CNA)” means a person who has been certified by the Wyoming State Board of Nursing.

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

(h) “Conservator” means a person appointed by the court to have custody of the person of the ward.

(i) “Contrast” means a significant difference in diversity of adjacent parts by color, tone, and/or light.

(j) “Department” means the Wyoming Department of Health.

(k) “Department’s Representative” means an employee of the Wyoming Department of Health who is acting as the authorized agent of the Division on Aging in carrying out responsibilities and duties of his/her position.

(l) “DFS” means the Department of Family Services.

(m) “Director” means the person who has been delegated responsibility for the programmatic and the administrative supervisory functions of the adult day care program.

(n) “Disabled” means the inability to perform some or all of the activities/tasks of daily living due to physical or mental disability(s), weakness, illness, or injuries.

(o) “Distribute medicine” means to give the container of medicine to the person for whom it is prescribed, which is distinguished from “administer medicine” as defined in Section 3(b) of these rules.

(p) “Division” means the Division on Aging.

(q) “Facility” means the adult day care facility.

(r) “Fire official having jurisdiction” means the Wyoming Department of Fire Prevention and Electrical Safety or designated representative.

(s) “Fire prevention and building construction” means the standards adopted by the Wyoming Department of Fire Prevention and Electrical Safety.

(t) “Guardian” means the person appointed by the court to have custody of the person of the ward.

(u) “License” means the authority granted by the Office of Health Quality, Planning and Program Evaluation to operate an adult day care facility pursuant to a survey performed by the Division on Aging.

(v) “Licensee” means any person, association, legal entity, partnership, or corporation to whom the adult day care license is issued.

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

(x) “Licensed Practical Nurse (LPN)” means any individual who holds a current, valid license from the State of Wyoming as an LPN.

(y) “Long Term Care Home and Community-Based Services Waiver (LTC/HCBS Waiver)” is the Wyoming waiver for the Elderly and Physically Disabled granted under the authority of Section 1915(c) of the Social Security Act.

(z) “LTC/HCBS Case Manager” means a person who meets the qualifications in performance of their duties of Case Manager for Long-Term Care Home and Community-Based Services waiver.

(aa) “MFCU” (Medicaid Fraud Control Unit) means the Medicaid Fraud Control Unit of the Attorney General’s Office, its agent, designee, or successor.

(bb) “Nonambulatory” means the inability of a person, who because of physical or mental impairment, must be led, assisted, or carried by another person, or who is dependent on the use of a device such as, but not limited to, a walker, wheelchair or leg prosthesis to make an exit from a building in an emergency. The determination of whether a person is nonambulatory shall be based on information contained in the report of the physical examination as required by Section 12(b)(ii) of these rules and regulations. NOTE: This is not a medical definition, but is related to the placement of elderly and impaired adults in buildings that are appropriate in terms of fire safety.

(cc) “Nurse” means any individual who holds a current, valid license from the State of Wyoming Board of Nursing as a licensed practical nurse (LPN) or as a registered nurse (RN).

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

(ee) “Participant” means an elderly, blind or disabled adult who takes part in the program of care and receives services from the facility.

(ff) “Program Administration” means the rules and regulations promulgated by the Department of Health and developed by the program division for the day-to-day operations of adult day care facilities as per W.S. §9-2-1208(v).

- (gg) “Program Division” means the Wyoming Department of Health, Division on Aging.
- (hh) “Program Plan” means the activity plan developed on admission and updated periodically that addresses participants needs and strategies to meet those needs.
- (ii) “Physician” means any individual licensed to practice medicine in any of the fifty (50) states or the District of Columbia.
- (jj) “Protection” means the intent to prevent harm and to provide oversight of the participant.
- (kk) “Recommended Daily Allowances” (RDA) are the levels of intake of essential nutrients considered to be adequate to meet the known nutritional needs of healthy persons, in the judgment of the Committee on Dietary Allowances of the Food and Nutrition Board, National Academy of Sciences, National Research Council on the basis of available scientific knowledge.
- (ll) “Registered Nurse” means any individual who holds a current, valid license as an RN from the State of Wyoming.
- (mm) “Responsible person” means the person who assumes the responsibility for arranging for care and services for the participant. The responsible person may or may not be the legal guardian for the participant, and may or may not be related to the participant.
- (nn) “Snack” means a light meal or nutritious meal supplement.
- (oo) “Staff or staff person” means administrative, program, service, and volunteer personnel of the facility.
- (pp) “Supplementary Care” means a part of the total care that is required by participants. Supplementary care augments the care that the family or other persons provide. Care provided by an adult day care facility is supplementary care.
- (qq) “Supervision” means the general oversight of the physical and mental well-being of participants who are physically present in the adult day care facility.
- (rr) “Survey” means an annual on-site evaluation conducted by the Division on Aging to determine compliance with Program Administration Rules and Regulations for Adult Day Care Facilities.
- (ss) “Unit dose” means a packaged amount of medicine containing one dose of the medicine.
- (tt) “Volunteer Personnel” means persons who provide services at the facility on a voluntary, non-paid basis. If these persons meet all the personnel and health requirements for staff pursuant to Section 9, Personnel, they may be counted in the staff-to-participant ratio.

Section 4. **Program Goals.**

- (a) Promote the participant’s maximum level of independence.
- (b) Maintain the participant’s present level of functioning as long as possible, preventing or delaying further deterioration.

- (c) Provide support, respite and education for families and other caregivers.
- (d) Foster socialization and peer interaction.
- (e) Serve as an integral part of the community service network and the long-term care continuum.

Section 5. Applicability.

These Program Administration Rules and Regulations for Adult Day Care Facilities apply to any facility that provides supplementary care and protection for four (4) or more adults:

- (a) Who are elderly, blind, or disabled;
- (b) Who are in care for less than twenty-four (24) hours per day; and
- (c) Who reside elsewhere.

Section 6. Severability.

If any portion of these rules is found to be invalid or unenforceable, the remainder shall continue in effect.

Section 7. Target Population.

- (a) The target population consists of:
 - (i) Adults who require assistance with activities of daily living (ADL) and instrumental activities of daily living (IADL);
 - (ii) Adults with physical problems that require health monitoring and supervision on a regular basis;
 - (iii) Adults with emotional problems that interfere with activities of daily living;
 - (iv) Adults with significant memory loss and cognitive impairment;
 - (v) Adults who require assistance in overcoming the isolation associated with functional limitations or disabilities; and/or
- (b) A facility may refuse to serve adults with communicable disease, adults who are actively alcoholic or addicted to drugs, adults with a history of violence to self or others and/or whose behavior is not manageable within the group setting, adults whose need for care requires more time and skill than the individual program is able and qualified to provide. **EXCEPTION:** The following types of facilities are not subject to the Rules of Adult Day Care:
 - (i) A home or residence of an individual who provides care only for persons related to him by blood or marriage.
 - (ii) A facility or a portion of a facility which only conducts a socialization or recreation activity program for adults and which does not provide assistance with daily living tasks, support, and supervision services.

Section 8. **Administration.**

(a) Deceptive Representation or Advertisement.

(i) An adult day care facility shall not make, publish, disseminate, circulate, or place before the public, or cause, directly or indirectly, to be made an advertisement of any sort regarding services or anything so offered to the public, which contains any promise, assertion, representation, or statement of fact which is untrue, deceptive, or misleading.

(b) Operational Responsibilities.

(i) The provider shall be responsible for the overall planning of the program and services to be provided by the facility. The operational responsibilities of the provider shall include, but not be limited to, the following:

(A) To develop an internal policy manual including a written statement of the purpose and scope of the services to be provided by the center facility, a description of adults who may be accepted into the program as well as those whom the program cannot serve, and written policies under which the facility will operate;

(B) To ensure that the facility's activities, services, and buildings are maintained in compliance with the Program Administration Rules and Regulations for Adult Day Care Facilities, and with other relevant federal, state, or local laws and regulations;

(1) A copy of the facility's license and the Program Administration's survey report will be maintained in the facility for public inspection.

(2) A copy of the survey report will be sent to the Wyoming Long-Term Care Ombudsman office by the Program Administration staff.

(C) To appoint and identify in writing a director to be responsible for the day-to-day operation and management of the facility.

(D) To provide for qualified staff capable of carrying out the operation of the program;

(E) To develop a written organizational chart indicating lines of authority and a staffing plan which includes a staffing schedule;

(F) To establish sound policies under which the facility shall operate; and

(G) To ensure sound financial management of the facility.

(c) Financial Responsibilities.

(i) The applicant shall provide the Division on Aging with the following evidence of financial responsibility:

(A) A projected budget detailing income and expenses of the proposed facility for the first year of operation;

(B) A complete balance sheet showing separately the current assets committed to and current liabilities charged against the proposed facility; and

(C) Documentation of funds or credit available for the first one (1) year of operation.

(ii) The facility shall maintain public liability insurance for bodily injury with a minimum limit of at least \$500,000 each occurrence/ \$500,000 aggregate. Evidence of insurance coverage shall be made available to the Division on Aging's representative upon request.

(d) Record-keeping Responsibilities.

(i) The provider shall ensure that the facility maintains an adequate system of record keeping to comply with these rules.

(ii) All participants' records shall be treated confidentially.

(iii) Records shall be updated and kept current as changes occur.

(iv) If the participant or legal guardian consents in writing, participant records shall be shared with other facilities/agencies upon referral or discharge.

(v) All records required by these rules both for participants and personnel shall be kept in a locked cabinet or area and retained at the facility for six years after termination of enrollment or termination of employment, unless specified otherwise.

Section 9. **Personnel.**

(a) Qualifications.

(i) The following rules shall apply to all staff:

(A) No staff person shall have been convicted of a felony or a misdemeanor related to abuse, neglect, exploitation, or abandonment of adults or children. The facility shall have written verification of a Department of Family Services central registry check or State Board of Nursing registry check, where applicable, on all employees hired at the time of or after the filing of these rules.

(ii) All staff persons who work directly with participants and who are counted in the staff-to-participant ratio shall be at least 18 years of age. **EXCEPTION:** Paid or volunteer assistants may be between 14 and 18 years of age provided that their immediate supervisor is an adult, but these individuals cannot be included in the staff to participant ratio.

(b) Personnel Records.

(i) Personnel records shall be kept at the facility for paid staff and volunteer personnel who begin work subsequent to the effective date of these rules.

(ii) Personnel records shall include the following:

(A) The original application for employment or other written material providing:

(I) Identifying information including name of staff person, beginning date of employment/volunteering, and job title;

(II) Any other information needed to demonstrate that the individual possesses the qualifications required for the position;

(B) Written documentation of at least two (2) character references and statement of competency from previous employers, if any, and/or other knowledgeable and objective sources prior to employment or volunteering (e.g., letters of reference; notations of telephone reference checks including the name of the person(s) contacted, the date(s) of contact, the firm(s) contacted, and the results);

(C) Documentation and dates of participation in orientation, training and staff development activities; and

(D) Date of termination of employment, when applicable.

(c) Health Requirements.

(i) Health information required by these rules shall be maintained for all staff including the director and volunteer personnel.

(A) Initial Tuberculosis Examination and Report

(I) Each staff person and volunteer shall obtain a two-step skin test prior to working with program participants. EXCEPTION: When a staff person has been tested within the previous six months, the report of tuberculosis screening and the results may be accepted.

(II) A record of tuberculosis screening shall be maintained in the staff member or volunteer's personnel record and shall include the following:

(1.) The type(s) of test(s) used and the result(s);

(2.) The date of the testing; and

(3.) The signature of the person administering the test(s).

(B) Subsequent Evaluations.

(I) Each staff person and volunteer shall be retested on a yearly basis. The testing shall be recorded in accordance with Section 9(b) of these rules and regulations.

(II) Any staff person or volunteer who comes in contact with a known case of tuberculosis or who develops chronic respiratory symptoms shall receive a baseline evaluation with a follow-up evaluation within ten (10) to twelve (12) weeks of exposure.

(1.) At the request of the director of the facility or the Department of Health, a report of examination by a physician shall be obtained when there are indications that the safety of participants in care may be jeopardized by the physical or mental health of a specific participant.

(2.) Any participant who, upon examination or as a result of medical tests, shows indication of a physical or mental condition which may jeopardize the safety of other participants in care or which would prevent performance of duties:

a. Shall be removed immediately from contact with participants and food served to participants; and

b. Shall not be allowed contact with participants or food served to participants until the condition is cleared to the satisfaction of the examining physician as evidenced by a signed, dated statement from the physician.

(3.) Any individual who cannot adequately perform his duties or who may jeopardize the health or safety of the participants shall be relieved of his duties and removed from the facility.

(d) Staff Training.

(i) All staff shall be trained in the appropriate procedures for handling emergencies. Such training shall take place before job responsibilities are assumed and shall include at least the following:

(A) Individual responsibilities in the event of fire, including the location and operation of any fire extinguishers and fire alarm boxes;

(B) Individual responsibilities in the event of illness or injuries, including the location and use of the first aid emergency supplies; and

(C) Individual responsibilities in the event of a lost or missing participant, severe weather or other emergencies.

(ii) Before assuming job responsibility, all staff persons shall receive job orientation training. Items not covered in the training prior to beginning employment shall be completed within one week of the starting date of employment. The orientation shall include training specific to the staff's assigned responsibilities, as well as the following topics:

(A) The purpose of the adult day care facility;

(B) State of Wyoming procedures for detecting and reporting suspected abuse, neglect, exploitation, or abandonment of participants;

(I) Any person who becomes aware of suspected abuse, neglect, exploitation, or abandonment of participants, as defined in the Adult Protective Services Act, W.S. §35-20-102 and W.S. §35-20-103, shall notify law enforcement, the Wyoming Department of Family Services, and if applicable, the appropriate legal guardian(s), within twenty-four (24) hours of discovery.

(C) Confidential treatment of personal information about participants and their families;

(D) The policy of the facility and the Program Administration Rules and Regulations for Adult Day Care Facilities, as they relate to the employee's responsibilities;

(E) Individual capabilities and special needs of the elderly and the disabled adult, including specific needs of participants in care;

(F) The schedule of activities; and

(G) Record keeping responsibilities.

(iii) All staff who are primarily responsible for the direct care of the participants shall attend at least eight (8) hours of staff development activities annually which shall consist of in-service training programs, workshops, or conferences related to adult day care or gerontology, provided that both subject areas are addressed during the year.

(e) Administrative Staff.

(i) During the facility's hours of operation, one (1) adult on the premises shall be in charge and responsible for the administration of the facility. This person shall be either the Director or an adult appointed or designated by the Director.

(ii) Program Director.

(A) There shall be one (1) person responsible for the program of the facility who shall:

(I) Be at least 21 years of age; and

(II) Meet one or more of the following requirements:

(1.) The director shall have completed at least forty-eight (48) semester hours or seventy-two (72) quarter hours of post secondary education in health care, elderly care, health case management, facility management, or other related field from an accredited college or institution;

(2.) Be a Certified Nursing Assistant (CNA) familiar with and follow these rules, and pass an open book test prepared by the Division on Aging on these rules with a score of at least eight-five percent (85%);

(3.) Have completed at least two (2) years experience working with elderly or people with disabilities. This experience may have been paid, full-time employment, or time equivalent in part-time employment or volunteer work that is directly involved with the elderly or handicapped;

(4.) Demonstrate knowledge, skills and abilities in the administration and management of the adult day care program including:

a. Knowledge and understanding of elderly and people with disabilities;

b. Supervisory and interpersonal skills;

c. Ability to plan and implement the program; and

d. Knowledge of financial management sufficient to ensure program development and continuity.

sufficient to: (5.) Demonstrate knowledge of supervisory and motivational techniques

- a. Accomplish day-to-day work;
- b. Train, support, and develop staff; and
- c. Plan responsibilities for auxiliary staff to ensure that services

are provided to participants.

(iii) Assistant Program Director.

(A) If the Program Director is present in the facility less than four (4) hours per day, there shall be an officially designated Assistant Program Director who shall:

- (I) Meet the qualifications of the Program Director; and
- (II) Assume responsibility in the absence of the Program Director.

(iv) Volunteer Personnel.

(A) All volunteer personnel shall be under the individual supervision of a Director, Program Director, Assistant Program Director, or designated staff person.

(B) The duties of volunteer personnel shall be clearly defined in writing.

Section 10. **Supervision.**

(a) At any time when there are two (2) or more participants at the adult day care facility, there must be at least one (1) adult staff and one (1) other person who is physically and emotionally able and willing to assist in an emergency situation. If this individual is not within a distance considered reasonable for voice travel from all parts of the facility, there must be an alternative system in place, such as an intercom system, to notify of needed assistance.

(b) Staff-to-Participant Ratio.

(i) There shall be a minimum of one (1) staff person on duty providing direct care and supervision for every six (6) participants in care; and

Note: Staff members who are under eighteen (18) years of age shall not be counted in the staff-to-participant ratio.

(ii) The number of any additional staff persons required shall depend upon:

- (A) The program and services the facility provides; and
- (B) The functional level of the participants.

Section 11. **Physical Environment.**

A facility must provide an environment which protects the participants from physical harm but is not so restrictive as to inhibit physical, intellectual, emotional, or social stimulation.

(a) Safety, Health, and Comfort.

(i) No adult day care facility shall be located where conditions exist that would be hazardous to the physical health and safety of participants.

(ii) Building Construction and Maintenance.

(A) If space used or planned for use by the facility is renovated or altered, the plans shall be in strict compliance with the Americans with Disabilities Act Accessibility Guidelines (ADAAG) and shall be submitted for review to the State of Wyoming Department of Administration and Information, Central Services Division for review prior to the expected change.

(B) Prior to becoming a provider and prior to use of newly constructed, renovated, remodeled, or altered buildings or sections of buildings, a facility shall provide written documentation of the following:

(I) Inspection and approval of the building(s) from the local building official, if applicable, or approval of a plan of correction; OR

(II) Inspection and approval of the building(s) from the Department of Fire Prevention and Electrical Safety, if applicable, or approval of a plan of correction; AND

(III) Inspection and approval from the Division, or approval of a plan of correction related to:

- (1.) Sanitation and health;
- (2.) Water supply;
- (3.) Sewerage system; and
- (4.) Food service.

(IV) Inspection and approval from the local fire department that the facility is free from fire hazards, or approval of a plan of correction.

(C) The buildings shall be free from safety hazards.

(iii) Special Requirements for Nonambulatory or Physically Challenged Participants.

(A) If the facility is providing for nonambulatory participants, at least one (1) entrance shall be readily accessible and useable by nonambulatory participants so that participants can evacuate safely and independently in the event of fire or emergency.

(B) Before any participant who uses a wheelchair or a walker is accepted for care, doorways and passageways shall be wide enough to accommodate wheelchairs and walkers.

(C) At least one (1) primary grade-level entrance to the building shall be freely accessible for wheelchairs.

(iv) Grounds.

- (A) The grounds shall be well maintained and free from safety hazards.
- (B) An area shall be available, accessible, and useable for outdoor activities for all participants.
- (C) A safe area for discharge and pickup shall be available to accommodate daily arrival and departure of participants.

(v) Sanitation.

- (A) Hot and cold water shall meet the requirements of the Uniform Building Code.
- (B) Private water systems shall be tested and found safe and potable.
- (C) The facility and all of its furnishings and equipment shall be clean and properly maintained.
- (D) The facility shall be free from insects, rodents, and other pests.
- (E) Adequate kitchen facilities and equipment shall be provided for preparation and serving of meals.
- (F) Sufficient working refrigeration shall be available to store perishable food and medicine. All refrigerators and freezers shall have a working thermometer. Freezers will be maintained at zero degrees (0°) Fahrenheit or less. Refrigerator temperature will be maintained at forty degrees (40°) Fahrenheit or less. Freezers and refrigerators shall be maintained, clean, and sanitized.
- (G) Food shall be properly stored, prepared, and served to prevent food-borne illness.
- (H) Drinking water shall be available to participants at all times.
- (I) Drinking fountains, if used, shall be of a type approved by the County Health Department.
- (J) Individual cups shall be provided for drinking water when fountains are not used.
- (K) If disposable dishes, cups, and/or utensils are used, they shall be sturdy enough to prevent them from being a safety hazard. They shall be used once and then discarded.
- (L) The kitchen and dining area shall be kept clean, sanitary, and provided with suitable furniture and adequate space to comfortably seat all residents.
- (M) (I) 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.
- (II) The cleaning and sanitizing of all items used in preparation and service of food shall comply with the State of Wyoming, Wyoming Food Service Regulations. Inspection of all items used for storage, preparation and service of foods may occur.

(1.) For manual washing, rinsing and sanitizing of utensils and equipment, three compartments or containers shall be used. Each compartment shall be large enough to accommodate the utensils or equipment. The first compartment shall contain a hot detergent that is kept clean. The second compartment shall contain hot, clear rinse water. The third compartment shall contain an approved sanitizing solution. All utensils and equipment shall remain in the final sanitizing rinse for at least one minute. Dishes and equipment shall then be air dried. When chemicals are used for sanitizing, a test kit or other device that accurately measures the parts per million concentration of the sanitizer shall be provided and used.

(2.) Cleaning and sanitizing of dishes and equipment may also be done by automatic dishwashers.

(N) Persons handling soiled tableware and/or kitchenware shall wash their hands before handling clean ware.

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

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

(Q) A fire extinguisher rated 2A-10B:C shall be available in the kitchen area.

(vi) Lighting.

(A) All areas of the facility shall be well lighted for the safety and comfort of the participants during all hours of operation according to the nature of activities. NOTE: Special lighting requirements relating to medications are under Section 12(h)(ii)(B) of these rules and regulations.

(B) Artificial lighting shall be by electricity or battery.

(C) Additional lighting, as necessary to provide and ensure presence of contrast, shall be available for immediate use in areas that may present safety hazards, such as but not limited to stairways, doorways, passageways, changes in floor level, kitchens, bathrooms, and basements.

(D) Hallways, stairwells, foyers, doorways, and exits utilized by participants shall be kept well lighted at all times participants are present in the building(s). Whenever natural light is not sufficient, artificial lighting shall be used.

(E) Glare shall be kept at a minimum in rooms used by participants.

(I) When necessary to reduce glare, windows shall be equipped with shades, curtains or other coverings.

(II) All lights, including fluorescent lights, shall be covered with shades or protective fixtures or specially equipped to reduce glare and ensure protection.

(F) If used, fluorescent lights shall be replaced if they flicker or make noise.

(G) All sources of light including windows, light fixtures, bulbs, etc., shall be kept clean.

(vii) Temperature and Ventilation.

(A) Areas used by participants shall be well ventilated to the outside and dry.

(B) The temperature of the rooms used by participants shall be maintained at a level safe and suitable for elderly, disabled, and impaired adults:

(I) The minimum inside temperature shall be sixty-eight degrees (68°) Fahrenheit.

(II) Fans and/or air conditioners shall be available for use when the inside temperature exceeds eight-four degrees (84°) Fahrenheit.

(III) Each adult day care facility shall have at least one (1) portable thermometer to assure correct temperature.

(IV) Fans and air conditioners shall be placed to avoid direct drafts on participants and to avoid safety hazards.

(viii) Equipment and Materials.

(A) All furniture and equipment inside and outside the facility shall be maintained in good repair and in safe condition.

(B) Cleaning products, pesticides, and all poisonous or harmful materials shall be stored separately from food and shall be kept in a locked place when not in use.

(C) If elevators are used, the following requirements shall be met:

(I) Elevators shall be kept in safe running condition;

(II) Elevators shall have sturdy handrails installed;

(III) Elevators shall be inspected at least annually by the insurance company, the local housing authority, or the elevator company;

(IV) A copy of the elevator inspection report shall be retained by the facility; and

(V) An alternative exit shall be accessible for use in case of a fire and/or other emergencies.

(D) Sturdy handrails shall be installed at all stairs, ramps, and changes in floor levels.

(E) All interior and exterior stairways and ramps shall have nonslip surfaces or carpet.

(F) All interior and exterior stairways, changes of floor level, and ramps shall be indicated by a warning strip or contrast in color to aid the participants who have impaired vision.

(G) Floors shall not be slippery. If rugs or floor coverings are used, they shall be secured to the floor.

(H) Fireplaces shall be securely screened and glassed in. All fireplaces shall meet the Uniform Mechanical Code.

(b) Space, Furnishings, and Supplies.

(i) Activity Areas.

(A) In addition to hallways, office space, bathrooms, storage space, or other rooms or areas that are not normally used for program activities, the facility shall provide at least forty (40) square feet of indoor floor space for each participant.

(B) There shall be sufficient and suitable space that may be interchangeable or adaptable for a variety of planned program activities.

(I) There shall be enough space for the participants to gather together for group activities.

(II) There shall be rooms or areas appropriate for small group activities and individual activities.

(C) Furnishings.

(I) Furniture shall be sturdy, safe, and appropriate for elderly and impaired adults.

(II) All facilities shall have:

(1.) Table and chair space adequate for all participants, excluding people who remain in wheelchairs throughout the day, to take part in activities at the same time; and

(2.) Recliners, lounge chairs, rockers, or other seating to allow participants to relax and rest.

(ii) Private Space.

(A) Space shall be available to allow total privacy for participants during interviews, visits, telephone conversations, counseling, therapy, and other similar activities.

(iii) Toilet Rooms.

(A) There shall be a minimum of one (1) toilet available for every eight (8) participants in attendance.

(B) If eight (8) or fewer participants are in attendance, there shall be at least one toilet or toilet stall large enough to accommodate a participant who needs personal assistance or who uses a walker or wheelchair.

(C) If more than eight (8) participants are in attendance:

(I) There shall be separate bathrooms for men and women to allow for privacy; and

(II) If the facility is providing for nonambulatory participants and the separate bathrooms are not accessible to nonambulatory participants, there shall be one (1) unisex bathroom that provides privacy and shall be on an accessible route and shall meet the lavatory facility requirements of 4.22 of the ADAAG.

(D) In bathrooms equipped with more than one (1) toilet, each toilet shall be enclosed for privacy.

(E) Sturdy grab bars or safety frames shall be installed adjacent to all toilets used by participants.

(F) There shall be a minimum of one (1) sink for every two (2) toilets located close enough together to ensure washing of hands after each toileting procedure.

(G) There shall be an adequate supply of toilet tissue, soap, and disposable hand towels in each bathroom at all times.

(H) Housekeeping practices and procedures shall be employed to keep the facility free from offensive odors, accumulations of dirt, and dust.

(I) Floors shall be maintained clean.

(iv) Dining Area.

(A) The dining area shall be large enough to provide sufficient table space and chair access to accommodate the participants.

(B) If the facility is providing for nonambulatory participants, the dining area shall be large enough to provide sufficient table space and floor space to accommodate participants in wheelchairs.

(v) Storage.

(A) Sufficient space shall be provided for coats, sweaters, umbrellas, toilet articles, and similar personal possessions of participants and staff.

(B) Sufficient space shall be available for equipment, materials, and supplies used in the program.

(vi) Telephones.

(A) At least one (1) private, nonpaying, wheelchair-accessible telephone shall be provided in each building.

(B) If the facility is providing for nonambulatory participants, the telephone shall be easily accessible and shall meet the telephone accessibility requirements of 4.31 of the ADAAG.

(C) If the facility is providing for hearing impaired participants, at least one hearing aid compatible and volume control telephone shall be provided. Telephones shall comply with telephone-accessibility requirements 4.31 of the ADAAG.

(vii) Rest Area.

(A) A rest area shall be available for participants who become ill, need to rest, or need to have privacy.

(I) The rest area shall be equipped with at least one (1) bed or comfortable cot for every eight (8) participants. EXCEPTION: In facilities that are open for evening care, beds shall be available for participants as necessary.

(II) Additional beds or comfortable cots shall be available to accommodate all participants who are scheduled for rest periods.

(III) A minimum of one (1) pillow covered with a pillow case, two (2) sheets, and one (1) blanket, spread, or covering per bed or cot shall be provided.

(IV) Additional covering or blankets and pillows shall be added as required.

(V) All sheets and pillow cases shall be laundered before being used by another person.

(VI) All blankets, spreads, and coverings shall be laundered or dry cleaned, as needed.

Section 12. **Programs and Services.**

(a) Admission Policies.

(i) The adult day care facility shall have written admission policies consistent with the program statement.

(ii) The admission policies shall be discussed with each person entering the program, as well as with any family member, responsible party, guardian, or conservator who enrolls the participant. A copy of the admission policies shall be available upon request.

(iii) Only those participants whose needs can be met by the facility's program shall be admitted to the facility.

(iv) All participants shall be eighteen (18) years of age or older.

(b) Assessment Policies.

(i) The facility staff shall be responsible for developing a written admission assessment of each participant based upon the information presented by the applicant, family members, friends or responsible party, guardian, or conservator and the report of any physical examination.

(ii) The assessment shall be used to identify the participant's strengths and needs to determine if and how the program can serve the participant.

(iii) The assessment shall include at minimum a description of the participant's:

(A) Physical condition, including:

(I) Ambulatory ability or limitations; and

(II) Ability to perform activities of daily living, such as eating and toileting.

(B) Social situation, including living arrangements and the availability of family, friends, and other people and organizations in the community to provide services to the participant; and

(C) Mental status, including any intellectual impairment and known psychiatric or emotional problems; and

(v) The initial written assessment shall be reviewed and updated on a scheduled basis, but at least every six months, or if there are changes in participant's needs.

(c) Program Plan for Each Participant.

(i) Prior to admission, a beginning/preliminary program plan, based upon the assessment, shall be developed in writing for each participant. The plan shall be updated and completed within thirty (30) days of admission.

(ii) The plan shall be designed to improve the functional capabilities of the participant when possible, or to prevent further deterioration. The plan shall include:

(A) A description of the participant's needs;

(B) The participant's activities and services;

(C) Realistic program goals; and

(D) The time by which the goals should be achieved.

(iii) The written program plan and personal information shall be reviewed and updated on a scheduled basis as needed, but at least every six (6) months. The revised program plan shall be in writing.

(iv) The revised plan shall conform to the requirements of the initial plan as specified in Section 11(c)(ii) of these rules and regulations.

(d) Agreement.

(i) There shall be a written agreement between the participant and the facility. The agreement shall be signed by the participant, his/her legal guardian and/or conservator, and the center facility representative.

(ii) The agreement shall specify the services to be provided by the facility; conditions for dismissal or discharge; and financial arrangements.

(iii) A copy of the agreement (or appropriate portion of the agreement) shall be given to the participant; and a copy shall be kept at the facility.

(iv) The agreement shall be reviewed and updated whenever there is any change in the services or the financial arrangements.

(v) There shall be given thirty (30) days prior written notice to any financial changes. A copy of notice shall be kept in each participant's file.

(e) Personal Information for Each Participant.

(i) The following personal information shall be kept current for all participants, to be used for the initial and ongoing assessments and program plans, as well as in the event of an emergency:

(A) Full names of participant, address, and telephone number; Medicaid number, if applicable; social security number; sex; date of birth;

(B) Names, addresses, and telephone numbers of at least two family members, friends, or other designated people to be contacted in the event of illness or an emergency; and

(C) Names, addresses, and telephone numbers of the participant's personal physician, dentist, any clinics where the participant receives treatment, the name of the preferred hospital in the event of an emergency, and the LTC/HCBS case managers, if applicable.

(ii) Individual records shall be kept for participants containing all information, reports, and documents required by these rules and regulations. These records will be written in ink, signed, and dated.

(iii) Written records shall be kept of all accidents, injuries and illnesses occurring on the premises.

(f) Physical Examinations/Medical Information.

(i) Screening for tuberculosis and a physical examination by or under the direction of a licensed physician shall be obtained either within thirty (30) days prior to acceptance for admission or within thirty (30) days prior to admission.

(ii) The report of the required physical examination shall include:

(A) The date of the physical examination;

(B) All diagnoses and/or significant medical problems;

(C) Any special requirements and all recommendations for care including:

(I) A list of medicines including dosages and time medicines are to be administered;

(II) Any special diet or dietary restrictions;

(III) Any allergies and/or any food intolerance;

(IV) Any therapy the participant is undergoing or should receive; and

(V) Any restrictions or limitations on physical activities or program participation.

(D) A statement that the participant is or is not capable of administering his own medications without assistance;

(E) A statement that the participant is or is not physically and mentally able to make an exit from the building in an emergency without the assistance of another person or without the use of a device such as, but not limited to, a wheelchair, walker or leg prosthesis.

(F) A statement that the individual does not have tuberculosis in a communicable form, including the date of the test, type(s) of test(s) used and the results;

(G) The signature of a licensed physician, the physician's designee or an official of a county health department; and

(H) A statement that financial responsibility for conducting physical examinations and/or tests does not lie with the adult day care facility.

(g) Medical Reports After Admission.

(i) Any individual who comes in contact with a known case of tuberculosis or who develops chronic respiratory symptoms shall, within thirty (30) days after exposure/development, receive an evaluation in accordance with Section 9(c)(B) of these rules and regulations.

(ii) When there are indications that the adult day care facility can no longer provide appropriate or safe care because of changes in the participant's physical or mental health, a report of examination by a physician shall be obtained.

(A) The written report of the physical examination shall be dated and signed by the physician.

(B) The report of the physical examination shall be used in evaluating the participant's continued suitability for adult day care.

(iii) All medical reports shall be kept at the facility.

(h) Medication Management.

(i) Participants may keep and take their own medicine provided that:

(A) Their physicians have deemed them capable of administering medicine to themselves by written authorization; and

(B) The facility ensures that other participants do not have access to another participant's medicine.

(ii) If a physician has deemed a participant incapable of administering medicine to himself, the following rules apply:

(A) The medicine shall be kept in a locked compartment or area;

(B) The medicine shall be kept in a darkened area, free from dampness and high temperatures, and refrigerated, if required;

(C) The area in which the medicine is administered or prepared for distribution shall have sufficient light so that the labels can be accurately read and the correct dosage can be clearly determined;

(D) Each staff person who administers the medicine shall be authorized by the Wyoming Nurse Practice Act; and

(E) A written record shall be kept of all medicine administered or distributed to the participants while at the adult day care facility. This record shall be retained at the facility for six (6) years and shall include:

(I) Date;

(II) Name of participant;

(III) Name of medication or prescription number;

(IV) Time medication is administered;

(V) Name of person administering; and

(VI) Any adverse or unusual reaction to the medicine.

(i) Health Care Supervision.

(i) Changes in a participant's physical or mental health, behavior, attitude or other significant changes, shall be discussed with the participant, family, physician or clinic, LTC/HCBS case manager, or other responsible party, guardian, or conservator, as appropriate. A written notation in the participant's record shall document the change and the person to whom it was reported.

(ii) If a participant suffers an illness or accident requiring medical attention:

(A) The facility shall ensure that the participant receives immediate access to medical attention;

(B) The family or other responsible party, guardian, and the participant's personal physician shall be notified immediately; and

(C) The notification shall be documented in the participant's record along with the details of the incident and action taken.

(j) Health Care Needs.

(i) If facility staff identify a need for health care services, this need shall be discussed with the participant, family members, or other responsible party, guardian, or conservator, as appropriate. The discussion shall be documented in the participant's record and included in the update of the program plan.

(k) Participants.

(i) A participant who is acutely ill shall not enter the adult day care facility without written approval from a physician.

(ii) If a participant becomes ill during the day:

(A) He shall be separated from all other participants in care;

(B) The responsible person shall be notified immediately in order that the participant may be returned home, if necessary; and

(C) The ill participant shall be checked on at least every fifteen (15) minutes, or more frequently as necessitated by the condition, until leaving the facility.

(l) Discharge Policies.

(i) When the participant's needs can no longer be met by the program of care, plans shall be made for the participant's discharge.

(ii) The participant shall be informed of and participate in discharge planning, unless clearly impossible.

(iii) In the event that the facility initiates the discharge, the written plan of discharge shall outline the services needed by the participant upon discharge. The plan shall be discussed with the participant and family members or other persons responsible for participant's care. Although primary responsibility for the location and delivery of these services falls upon the participant and family members, or other responsible people, adult day care staff shall assist when possible.

(m) Planning the Activities and Services.

(i) Activities and services shall be planned to support the program plan for the participants, and shall be consistent with the program statement and the admission policies.

(ii) Activities and services shall be planned under the supervision of the director who shall encourage involvement of participants and staff in the planning.

(iii) Schedule of Activities.

(A) There shall be planned activities and programs whenever the facility is in operation.

(B) A written schedule of activities shall be developed at least monthly.

(C) The schedule shall include:

(I) Group activities for all participants or small groups of participants;

(II) Personalized options for participants with varying interests; and

(III) The name or type, date and hour of the activity.

(D) If an activity is substituted for another, the change shall be noted on the schedule.

(E) The current month's schedule of activities shall be posted in a conspicuous place or otherwise made available to participants.

(F) The schedule of activities for the past six (6) months shall be kept at the facility.

(G) If a participant requires an individual schedule of activities, that schedule shall be a part of the program plan and shall be kept in the participant's record.

(iv) The activities shall be varied to appeal to the different interests, abilities, and needs of the participants.

(v) All activities shall:

(A) Support the physical, social, mental, and emotional abilities and skills of participants;

(B) Promote or maintain the participant's highest level of independence or functioning; and

(C) Be within the economic capabilities of the participants.

(vi) Physical activities shall be encouraged to the extent recommended by each participant's physician.

(n) Rights of Participants.

(i) The participant shall be encouraged and supported in maintaining his highest level of independence.

(ii) The participant shall be encouraged to participate in planning for his care, when appropriate.

(iii) The participant shall be accorded dignity and treated with courtesy and respect at all times.

(iv) The participant shall not be required to perform services for the adult day care facility.

(v) The privacy of participants shall be fully respected, including unrestricted communication and private use of the telephone.

(vi) The participant shall not be abused, neglected, exploited, punished, coerced, or threatened in any way.

(vii) The participant shall be protected from solicitation, harassment and unwanted visitors.

(viii) The participant shall be allowed to participate in activities of social, religious, and community groups.

(ix) Confidentiality of health and personal records will be maintained.

(x) The participant shall be provided an opportunity to read the aforementioned rights. The rights shall be read to those participants who are unable to read. All attempts shall be made to answer questions a participant has regarding his rights.

(xi) A signed and dated copy of the participant's rights shall be kept in the participant's record.

(o) Nutrition and Food Service.

(i) Meals and snacks shall be provided by the facility. Payment for such food services will be made to the adult day care facility in addition to the daily fee and at the standard rate outlined for home delivered meals.

(ii) Serving of Meals and Snacks.

(A) Facilities which open before 7:00 a.m. shall serve breakfast.

(B) Facilities shall serve appropriate meals and snacks, depending on the hours of operation; i.e.,

(I) A facility open during the hours of 7:00 a.m. to 1:00 p.m. must serve a morning snack and a midday meal;

(II) A facility open during the hours of 8:00 a.m. to 5:00 p.m. must serve a morning snack, a midday meal, and an afternoon snack;

(III) A facility open during the hours of 2:00 p.m. to 6:00 p.m. must serve an afternoon snack;

(IV) A facility open after 6:00 p.m. to 9:00 p.m. must serve an evening meal; and

(V) A facility open after 9:00 p.m. shall serve an evening snack.

(iii) There shall be at least two (2) hours between snacks and meals.

(iv) Each meal, including the morning meal, the midday meal, and the evening meal, shall provide at least one-fourth ($\frac{1}{4}$) of an adult's daily recommended dietary allowance (RDA); or any one meal and any one snack combined shall provide at least one-third () of the RDA.

(v) Meals and snacks served to the participants shall be attractive in appearance, consist of a variety of foods, and conform to the following meal patterns:

(A) Minimum Amount

(I) BREAKFAST

Milk $\frac{1}{2}$ cup

Juice* or fruit
or vegetable ½ cup

Bread or bread alternate** 1 slice
(including cereal) ½ cup cooked or ¾ cup dry

(II) SNACKS (Select at least two of these four components)

Milk ½ cup

Juice* or fruit
or vegetable ½ cup

Bread or bread alternate**
(including cereal)

Meat, poultry, fish or seafood, or meat alternate***
1 slice, ½ cup cooked, ¾ cup dry, or 1 oz.

(III) MIDDAY AND EVENING MEALS

Meat, poultry, fish or seafood, or meat alternate***
2 oz.

Vegetables and/or fruits
(two or more) ½ cup each

Bread or bread alternate** 1 slice

NOTE: Other foods and additional servings may be served to enhance the meals or meet energy needs.

*Juice: Full strength juices made from fruits or vegetables or frozen concentrate according to directions for full strength Juice.

**Bread alternates: ½ cup rice, grits, or pasta; cereal; 4 crackers, etc.

***Meat alternates: 1 egg, 1 oz. cheese, ½ cup cooked dry beans or dry peas, or 2 tablespoons peanut butter.

(B) At least one (1) source of Vitamin C must be served per day.

(C) At least one (1) source of Vitamin A shall be served three times a week.

(vi) Meals shall be planned in accordance with the needs of the age group in care (i.e., energy needs are less and nutritional needs are higher, special diets may be necessary, participants might have poorly fitting dentures, etc.).

(vii) If a participant needs to follow a special or modified diet recommended by a physician, the adult day care facility shall ensure that the diet is provided in accordance with the physician's orders.

(viii) Assistance in eating shall be provided for participants opening containers, cutting foods, etc.

(ix) The facility shall either prepare the food or have it catered. If catering or contract food service is selected, the alternative food service source used shall be approved by the County Health Department or appropriate entity. The adult day care facility is responsible for negotiating a contract with and providing payment for services received from the alternative food service source.

(x) Menus.

(A) A menu listing all meals and snacks to be served by the facility during the current one-week period shall be dated and posted in a location conspicuous to participants.

(B) Posted menus shall indicate substitutions.

(C) Menus shall be kept at the facility for one year.

(p) Assistance with Personal Care.

(i) Staff shall provide special attention, additional supervision, and assistance in activities of daily living, such as feeding and toileting, to participants who require it.

(q) Transportation Services. NOTE: If transportation is not provided by the adult day care facility, the following standards do not apply.

(i) The driver must have an appropriate Wyoming driver's license for that vehicle. The vehicle must be equipped with a manual for first aid, a first aid kit, and a fire extinguisher.

(ii) The vehicle shall be accessible and appropriate for the people using it, considering any physical impairments they might have.

(iii) Every person must have a seat in the vehicle, except those people who remain in their wheelchairs.

(iv) Wheelchairs shall be secured when the vehicle is in motion.

(v) Every person shall be seated while the vehicle is in motion.

(vi) Every seat shall be equipped with a seat belt or shoulder harness. Every person shall be directed to use them.

(vii) Participants shall not be left unattended and/or unsupervised while in a vehicle.

(viii) Adequate liability insurance coverage with a minimum limit of at least \$500,000 each occurrence/\$500,000 aggregate shall be maintained according to the size of the vehicle and the number of participants being transported.

Section 13. **Fire Protection, Emergency, and Evacuation Plans.**

(a) Specialized Staff Training.

(i) At least one (1) staff person on the premises at all times during the hours of operation shall have certification by an appropriate provider in first aid (multimedia, Personal Safety, or Standard First Aid Modular) issued within the past three (3) years. NOTE: Adult day care facilities operating on the date these rules become effective shall comply with this standard within six (6) months of the effective date of these rules.

(ii) At least one (1) employee or staff member on the premises at all times during the hours of operation shall have current certification in cardiovascular pulmonary resuscitation (CPR) issued through the American Red Cross or the American Heart Association. The CPR certificate must be renewed every (2) two years. NOTE: Adult day care facilities operating on the date these rules become effective shall comply with this requirement within six (6) months of the effective date of these rules.

(b) Buildings and Equipment.

(i) Each building of the facility and each vehicle shall contain a first aid kit which shall include but not be limited to:

- (A) Scissors;
- (B) Tweezers;
- (C) Gauze pads;
- (D) Adhesive tape;
- (E) Band-aids, assorted sizes;
- (F) Triangular bandages;
- (G) Flexible gauze;
- (H) An antiseptic cleansing solution;
- (I) An antibacterial ointment;
- (J) Bee sting swabs or preparation;
- (K) Ice pack or ice bag;
- (L) Thermometer; and
- (M) Small flash light.

(ii) The first aid kit shall be stored so that it is not accessible to participants but is easily accessible to staff.

(iii) A first aid instructional manual shall be kept with each first aid kit at all times.

(iv) Heating Units.

(A) Gas stoves, coal stoves, wood stoves, oil stoves, portable electric heaters, kerosene heaters, and portable heating units of a similar nature shall not be used in areas used by participants, except in an emergency such as a power outage in cold weather.

(B) When any of the above heating sources are used in an emergency, care shall be taken to protect participants from injuries.

(C) Any heating units used in an emergency shall have been previously inspected and approved by the appropriate fire safety official.

(v) Portable Fire Extinguishers.

(A) The proper type and number of fire extinguishers shall be approved by the fire official having jurisdiction. Rating of the fire extinguishers shall not be less than 2A-10 B:C.

(B) 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 or date of service.

(C) 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 stored or mounted in cupboards or broom closets.

(vi) Storage.

(A) Combustible storage under exit stairways shall be prohibited unless such spaces are protected on the enclosed side by one (1) hour fire-resistive construction.

(vii) Smoke Detectors.

(A) Approved smoke detectors shall be installed in facilities. Such detectors shall be installed in accordance with their installation instructions and in accordance with the Uniform Building Code.

(viii) Emergency numbers shall be located near the telephone.

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

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

(B) Evacuation plans shall be discussed with each participant at the time of admission, and periodically for familiarity.

(x) Furnaces shall be approved and shall be cleaned (including filters) as often as necessary to prevent the accumulation of lint and dust.

(xi) Electrical.

(A) Special protective covers for electrical outlets not in use shall be installed in all areas occupied by participants.

(B) Electrical wiring, outlets, switches, etc. shall be installed so there is no fire or shock hazard.

(C) Multi-plug adapters, such as multi-plug extension cords, cube adapters, strip plugs, extension cords, and other devices, that do not comply with the National Electric Code shall not be used.

(c) Plans and Procedures.

(i) Plan for Medical Emergencies.

such as: (A) The plan shall include written instructions for handling medical emergencies

(I) Calling the rescue squad;

(II) Calling an ambulance service, and/or participant's physician; and

(III) Providing first aid and CPR, when appropriate.

(B) A licensed physician, registered nurse, licensed practical nurse, or other health professional shall be consulted in preparing the plans.

(C) In medical emergencies, pertinent medical information and history shall be made available to rescue staff and/or sent with the participant if hospitalized.

(ii) Plan Review, Fire Safety, and Emergency Evacuation.

(A) Fire safety and plan review shall meet the requirements of the fire official having jurisdiction and authority.

(I) The plan shall include written procedures to be followed in the event of fire or other emergency. The local fire department or fire prevention bureau shall be consulted in preparing the fire plan, if possible; and

(II) The plan shall include a drawing showing exits, telephones, fire extinguishers, and fire alarm boxes, if any, in large numbers and letters so that participants can read.

(B) A copy of the fire and emergency plan shall be posted in a conspicuous place on each floor of each building used by participants.

(iii) Exits.

(A) The fire official shall determine the number, placement, and adequacy of exits and other fire safety measures relating to exits in accordance with the Uniform Codes.

(B) Floors above and below the level of the first story shall not be used for adult day care facilities. Basements shall not be used for adult day care facilities.

(C) An exit door is a side-hinged door and shall be at least 3' x 6'8".

(D) Exits shall not be obstructed in any manner and shall remain free of any material or matter where its presence would obstruct or render the exit hazardous.

(E) Exit doors shall be able to open from the inside without the use of a key or any special knowledge or effort (i.e., dead bolts, chains, night latches, etc. are unacceptable).

(iv) Porches, steps, stairs, landings, walkways, ramps, and lifts shall be maintained and in good repair and safe condition.

(v) Emergency Evacuation Drills.

(A) Fire drills shall be conducted at least once each month of operation. All fire drills shall be documented to include time, date, name of the person conducting the drill, and the time required for participants and staff to go to an approved location and/or evacuate the building.

(B) A record of the required evacuation drills shall be kept in the facility for one year. The record shall include:

(I) The date of the drill;

(II) The amount of time required to evacuate;

(III) The total number of staff and participants involved;

(IV) Problems encountered, if any; and

(V) The names of all participants who were present in the facility who did participate in the drill, and the reasons for non-participation.

(vi) Other Emergency Plans.

(A) There shall be written plans and procedures to meet other emergencies, including severe weather, loss of utilities, and missing persons.

(vii) Procedures to Meet Emergencies.

(A) The telephone numbers of the fire department, the rescue squad or ambulance service, the police, and the regional poison control center shall be located in a conspicuous place near each telephone. They shall be written in large enough numbers so that participants can use them.

(B) A written record shall be made and kept on file of all emergencies such as, but not limited to, fires, severe weather emergencies, injuries or sudden illnesses requiring medical treatment. The record shall include:

(I) Date;

(II) Kind of emergency;

(III) Names of any participants requiring medical treatment;

(IV) Description of the results of the emergency; and

(V) Date and time other persons or agencies were contacted, utilized and/or notified.

(C) Approved numbers or addresses of the adult day care facility shall be placed in such a position as to be plainly visible and legible from the street and/or road fronting the property. Numbers should contrast with their background.

Section 14. **Program Evaluation.**

(a) Each adult day care program shall have a written plan for internal evaluation of its operation and services. The plan shall include the timetable for initiating and completing the annual evaluation, the parties to be involved, the areas that will be addressed and the methods to be used in conducting the evaluation.

(b) A formal evaluation shall be conducted at least annually at the end of the State of Wyoming fiscal year.

(c) The following parties shall be involved, to the extent considered appropriate, in the evaluation process:

- (i) Governing body;
- (ii) Program director;
- (iii) Staff;
- (iv) Participants;
- (v) Families of participants and/or guardians; and
- (vi) Outside agencies/organizations.

(d) In the following four areas, in addition to any others the program may wish to address, the evaluation shall focus on the extent to which the program:

- (i) Achieve its goals (the specified goals shall be translated into measurable indicators of performance);
- (ii) Assists participants and their families and other caregivers;
- (iii) Is efficient and effective in its operation, including the extent to which the program is cost-effective;
- (iv) Relates to the community service network and the long-term care continuum; and
- (v) Ensures that people with disabilities are not excluded, segregated, or restricted in any way as a result of communication or structural barriers.

(e) A written report of the program evaluation and findings shall be made and kept on file.

Section 15. **Grievance and Complaints.**

(a) Every participant in an adult day care facility shall have the right to:

(i) Upon admission, review with the day care staff the grievance complaint process and receive updated information at six (6) month intervals.

(ii) Voice grievances on behalf of themselves or others without discrimination or reprisal. Such grievance includes those with respect to services furnished as well as which have not been furnished.

(iii) Have available in a conspicuous place the telephone numbers and address of the Long-Term Care Ombudsman offices, the Protection and Advocacy office, the local Department of Family Adult Protective Services office, the Medicaid Fraud Control Unit, and the facility's complaint representative.

Section 16. **Investigations.**

(a) Each adult day care facility shall establish a system of reviewing complaints and allegations of violations of participant's rights and develop internal operating procedures for reporting and resolution of grievances.

(i) In order to ensure that participants continue to be aware of these rights and responsibilities outlined in Section 15, a written copy is to be prominently posted in a location that is available to all participants.

(ii) Be informed in writing that the services of the Wyoming Ombudsman are available if participants have concerns regarding the services provided by the adult day care facility.

(iii) Prompt efforts must be demonstrated by the facility to resolve grievances the resident may have, including those with respect to the behavior of other residents.

Section 17. Licensure.

(a) Shall be in accordance with the current licensure Rules and Regulations for Adult Day Care Facilities promulgated by the Wyoming Department of Health.

(b) Licensure Rules and Regulations are available at a nominal fee from the Office of Health Quality, 2020 Carey Avenue, 8th Floor, Cheyenne, WY 82002, 307-777-7123.

Section 18. Hearings.

(a) Except in matters concerned with the spread of communicable disease, the Division on Aging Program Administrator shall present the preliminary decisions and reasons to the parties concerned and provide an opportunity for a resolution. Any request for a hearing by the facility shall adhere to the time frames of (b) below.

(b) Any Adult Day Care Facility aggrieved by a decision of the Division on Aging may request a hearing by submitting a written request within ten (10) days of the date of the adverse action at Room 139, Hathaway Building, Cheyenne, WY 82002.

(c) In matters concerned with the spread of communicable disease, the Wyoming State Health Officer shall present the preliminary decisions and reasons to the parties concerned and provide an opportunity for a hearing. Any request for a hearing by the facility shall adhere to the time frames of (b) above.

(d) Hearings requested under the terms of these rules and regulations shall be held by the Division on Aging in accordance with the provisions of the Wyoming Administrative Procedures Act and with the contested case rules and regulations of the Wyoming Department of Health.

¹ It is understood that individuals may participate on an infrequent drop-in basis.