

## Wyoming Administrative Rules

# Health, Department of

## Health Quality

### Chapter 4: Licensure of Assisted Living Facilities

**Effective Date:** 06/28/2001 to Current

**Rule Type:** Current Rules & Regulations

**Reference Number:** 048.0026.4.06282001

**RULES AND REGULATIONS  
FOR LICENSURE OF ASSISTED LIVING FACILITIES**

**CHAPTER 4**

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 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 Assisted Living 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.

(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’s designated representative. 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 reoccur,

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

(b) “Assisted Living Facility” means a non-institutional dwelling operated by a person, firm, or corporation engaged in providing limited nursing care, personal care and boarding home care, but not habilitative care, for persons not related to the owner of the facility.

(c) “Bed” means a piece of furniture on or in which a resident or two residents lie and sleep. Single-bed means one piece of furniture in which to lie and sleep. Multiple-beds means two or more pieces of furniture in a sleeping room in which to lie and sleep.

(d) “Boarding Home” means a non-institutional dwelling or rooming house operated by any person, firm, or corporation engaged in the business of operating a home for the purpose of letting rooms for rent and providing meals and personal daily living care, but not habilitative, or nursing care, for persons not related to the owner. Boarding home does not include a lodging facility or an apartment in which only room and board is provided.

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

(f) “Complaint Investigations” means those investigations required to be performed by the State Long Term Care Ombudsman per W.S. 9-2-1301 through 9-2-1309.

(g) “License” means the authority granted by the Licensing Division to operate an Assisted Living Facility.

(h) “Licensee” means any person, association, partnership, or corporation to whom an Assisted Living Facility license is issued.

(i) “Licensed Beds” means the pieces of furniture on or in which residents lie and sleep that the authority is granted by the Licensing Division to operate an Assisted Living facility.

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

(k) “Life Safety Code (LSC)” means NFPA 101 Life Safety Code.

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

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

(n) “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 an Assisted Living Facility per W.S. § 9-2-1204.

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

(p) “Survey” means an on-site evaluation conducted by the Survey Division’s designated representative, in accordance with W.S. 35-2-907(c) to determine compliance with State rules and regulations for Assisted Living Facilities.

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

(r) “Survey Fee” means the fee charged to do an inspection of the Assisted Living Facility as authorized in Wyoming Statute 35-2-907(c).

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

(a) Licensing Procedure.

(i) A provisional license may be issued when:

(A) a facility is in the process of becoming licensed; and/or

(B) the facility is not in compliance with the Licensure and Program Administration Rules and Regulations for Assisted Living Facilities; and/or

- (C) no acceptable plan of correction is developed; and/or
  - (D) at the discretion of the Licensing Division.
- (ii) The period of a provisional license shall be for no longer than sixty (60) days.
  - (iii) A provisional license may be renewed at the discretion of the Licensing Division.
  - (iv) 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.
    - (v) 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 periodic renewal licensure survey deficiencies cited by the Survey Division;
    - (ii) Life Safety Code deficiencies cited by the Survey Division;
    - (iii) Complaint investigations and resolutions per 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 prior approval of the Licensing Division.
      - (A) Requests to assign or transfer an Assisted Living 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 Assisted Living Facility's name is changed, the Licensing Division shall be advised in writing by the current licensee and a new license will be issued upon the receipt of an application and licensure fee.

#### Change in License Status.

(i) If the Assisted Living Facility has a change in license status, such as, but not limited to, change in facility name, change in number of beds, etc. the Licensing Division shall be advised in writing by the current licensee and a new license will be issued upon the receipt of an application and license fee.

(e) 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.

(f) Suspension of Admissions.

(i) The Licensing Division may suspend new admissions or re-admissions to the Assisted Living Facility when conditions are such that resident needs cannot be met. Conditions in an Assisted Living Facility shall not jeopardize the residents' health and safety.

(g) Monitor.

(i) The Licensing Division may place a Departmental approved monitor at the owner's expense when conditions are such that residents' needs are not being met by the Assisted Living Facility. The monitor shall insure that the health or the safety of the residents is not in jeopardy.

(h) Hearings.

(i) Any Assisted Living Facility aggrieved by a decision of the Licensure Division may submit a written request within ten (10) days of receipt of the adverse action to the Licensure Division.

(ii) Except in matters concerned with the spread of communicable disease, the Licensure Division (Nurse I or designated representative) shall review the information submitted and provide a written response and reasons for the decision to the parties concerned within ten (10) days of receipt of the request.

(iii) In matters concerned with the spread of communicable disease, the Wyoming State Health Officer or designated representative shall review the information submitted and provide a written response to the Licensing Division within ten (10) days of receipt of the request. The Licensing Division will then notify the parties concerned within ten (10) days of the Wyoming State Health Officer or designated representative response.

(iv) Any Assisted Living Facility still aggrieved by a decision of the Licensure Division may submit a written request a hearing within ten (10) days of receipt of the Licensing Division response in paragraphs (h)(ii) and (h)(iii) of this section

(v) 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.

(i) Posting of License.

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

(j) Surveys for Licensure.

(i) The Survey Division's 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 Assisted Living 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 Assisted Living Facility and Program Division.

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

(D) If the facility fails to provide an acceptable plan of correction, license revokation proceedings may ensue.

(E) The Assisted Living Facility shall post the survey results in a manner conducive for public review.

(k) Voluntary Closure.

(i) If an Assisted Living 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 Assisted Living 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.

(iv) The Assisted Living Facility shall take appropriate discharge action to ensure each resident is properly placed in an alternate and proper care setting prior to closure.

Section 6. Furnishings, Building, Physical Plant.

(a) Sleeping room size shall not be less than one hundred twenty (120) square feet in single-bed rooms and eighty (80) square feet per bed in multiple-bed rooms, exclusive of toilets, closets, wardrobes, alcoves, or vestibules, in both cases.

(b) Multiple-bed sleeping rooms shall not be occupied by more than two (2) residents regardless of the size.

(c) Single-bed sleeping rooms shall have a minimum dimension of eight (8) feet. Multiple-bed sleeping rooms shall have a minimum of dimension of ten (10) feet.

(d) Each sleeping room shall be an outside room, provided with windows operable from the inside without the use of tools. The bottom of the opening shall not be more than forty-four (44) inches above the floor.

(e) Sleeping rooms shall not be in an attic, basement, stairwell, hall, or any room commonly used for other than bedroom purposes.

(f) Ceiling heights in sleeping rooms shall not be less than seven feet, six inches (7'6").

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

(h) One half of the licensed beds shall be private rooms.

(i) All drapery and curtains shall be flame retardant.

(j) Every bathroom door lock shall be designed to allow the opening of the locked door from the outside in an emergency.

(k) Site requirements - The building location shall be:

(i) In a lawfully constituted fire district;

(ii) Serviced by an all-weather road kept open to motor vehicles at all times of the year; and

(iii) Accessible to physician and/or emergency medical services (ambulance service) within thirty (30) minutes driving time.

(l) Occupancy approval - Any building proposed for conversion to a facility shall be approved by the Licensing Division before issuance of a license. Any items of noncompliance shall be corrected before issuance of the license.

- (m) All facilities exceeding one story in height shall be equipped with an automatic elevator.
- (o) Multi-storied wood frame buildings shall be protected by an automatic sprinkler system.

Section 7. Physical Environment.

- (a) At least one (1) flush toilet shall be provided for every two (2) beds.
- (b) At least one (1) tub or shower shall be provided for every ten (10) beds.
- (c) At least one (1) lavatory and mirror shall be provided for every two (2) beds.
- (d) All toilet-lavatory, shower and tub areas shall have floors and walls of impermeable, cleanable, and easily sanitized materials.
- (e) Every resident shall have access to toilet, hand washing and bathing facilities without having to pass through another resident's sleeping room.
- (f) The floor of the tub and shower shall have non skid surfaces. Handrails and grab bars shall be appropriately installed in or adjacent to the tubs, toilets and showers.
- (g) All bathrooms and toilet facilities shall be properly lighted, and shall be mechanically vented.

Section 8. Mobile Homes. Mobile homes shall not be permitted for use as Assisted Living Facilities or additions to existing Assisted Living Facilities.

Section 9. Construction/remodeling. Department of Health Chapter III, Construction Rules for Health Facilities apply.

Section 10. Life Safety and Electrical Safety. The requirements in the Department of Health Chapter III, Construction Rules for Health Facilities apply.

(i) Boarding homes operating prior to the effective date of these rules and converting to an Assisted Living Facility shall have written verification from a certified electrician that all wiring in the facility meets code.

(ii) Assisted Living 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 an Assisted Living Facility.