

**WYOMING DEPARTMENT OF HEALTH
AGING DIVISION**

**RULES AND REGULATIONS
FOR PROGRAM ADMINISTRATION OF NURSING CARE FACILITIES**

CHAPTER 11

Section 1. Authority. These rules are promulgated by the Department of Health pursuant to the Health Facilities Act at W.S. §9-2-1204 et seq. and the Wyoming Administrative Procedures Act at W.S. §16-3-101 et seq.

Section 2. Purpose. These rules have been adopted for the day-to-day operation of Nursing Care Facilities.

Section 3. Severability. If any portion of these rules is found to be invalid or unenforceable, the remainder shall continue in effect.

Section 4. Definitions.

The following definitions shall apply in the interpretation and enforcement of these rules. Where the context in which words are used in these rules indicates that such is the intent, words in the singular number shall include the plural and vice versa. Throughout these rules gender pronouns are used interchangeable. The drafters have attempted to utilize each gender pronoun in equal numbers, in random distribution. Words in each gender shall include individuals of the other gender.

For purpose of these rules, the following shall apply:

(a) “Certified Occupational Therapist Assistant (COTA)” means a person licensed in Wyoming to assist in the practice of occupational therapy, and who works under the supervision of a Registered Occupational Therapist.

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

(c) “CNA” means a person who is certified to practice as a Certified Nursing Assistant by the Wyoming Board of Nursing.

(d) “Complaint” means a formal allegation of injustice or perceived harm referred to an outside party or agency.

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

(f) “Consultant Dietitian” means a dietitian who provides dietary consultation on a frequent and regularly scheduled basis.

- (g) “Dietitian” means a person who is registered by the American Dietetic Association and provides nutritional and dietary services.
- (h) “Dietetic Service Supervisor” means an individual who has at least a high school education or equivalent and has completed courses in food service supervision, but is not a Registered Dietitian.
- (i) “Facility” means a Nursing Care Facility.
- (j) “Governing Body” means the individual(s), group, or corporation that has the ultimate authority and responsibility for establishing resident care policies, personnel policies, and shall designate a Wyoming licensed Nursing Home Administrator for the Nursing Care Facility.
- (k) “Grievance” means a concern of inequitable or inaccurate action that is handled through the facility’s internal grievance procedure.
- (l) “Health Care Services” includes but is not limited to nursing, physical therapy, speech pathology, occupational therapy, respiratory therapy, social work, certified nurse assistant services, and dietary services. All staff shall be certified, licensed or registered in accordance with Wyoming State Statutes.
- (m) “License” means the authority granted by the Licensing Division to operate a Nursing Care Facility.
- (n) “Licensee” means any person, association, partnership, or corporation holding a Wyoming Nursing Care Facility license.
- (o) “Licensing Division” means the Department of Health, Office of Health Quality.
- (p) “Licensed Practical Nurse (LPN)” means a person who is licensed to practice as a Licensed Practical Nurse by the Wyoming Board of Nursing pursuant to W.S. §33-21-120.
- (q) “Nosocomial Infection” means an infection acquired in the Nursing Care Facility.
- (r) “Nursing Care Facility” means an institution which is a skilled nursing facility (SNF) or a nursing facility (NF) which is currently licensed and meets the requirements of these rules and regulations.
- (s) “Nursing Home Administrator” means a person who operates, manages, supervises, or is in charge of a Nursing Care Facility; and is licensed by the Wyoming Board of Nursing Home Administrators.
- (t) “Occupational Therapist” means a person who is licensed by the Wyoming Board of Occupational Therapy to practice as a Registered Occupational Therapist pursuant to W.S. §33-40-102(a)(iv).
- (u) “Ombudsman” means the Long Term Care Ombudsman as established in W.S. §9-2-1301 through 9-2-1309.
- (v) “Pharmacist” means a person who is licensed by the Wyoming Board of Pharmacy to practice pharmacy.
- (w) “Physical Therapy Assistant” means a person who is licensed by the Wyoming Board of Physical Therapy to practice as a Physical Therapy Assistant pursuant to W.S. §33-25-101(a)(ii).
- (x) “Physical Therapy” means the evaluation, instruction or treatment of a human being to prevent, correct, alleviate or limit physical disability due to injury, disease or any other physical or mental condition by

the utilization of physical measures and rehabilitative procedures including training in functional activities and the performance and interpretation of tests and measurements of body functions as an aid in the examination, evaluation or treatment of any human condition for the purpose of correcting or alleviating an individual physical or mental disability. Physical therapy is provided by a Physical Therapist or by a Physical Therapy Assistant under the supervision of a Physical Therapist.

(y) “Physical Therapist” means a person who is licensed to practice physical therapy in the State of Wyoming pursuant to W.S. §33-25-101(a)(v).

(z) “Program Administration” means the rules and regulations promulgated by the Department of Health as developed by the Program Division for the day-to-day operation of a nursing care facility.

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

(bb) “Registered Nurse (RN)” means a person who is a graduate of an approved school of professional nursing, who is currently licensed to practice as a Registered Nurse by the Wyoming Board of Nursing pursuant to W.S. §33-21-120 et. seq.

(cc) “Respiratory Care” means the health specialty responsible for the treatment, management, diagnostic testing, control, and care of residents with deficiencies and abnormalities associated with the cardiopulmonary system.

(dd) “Resident” means an individual residing in and receiving care in a Nursing Care Facility.

(ee) “Social Services” means those services provided according to the resident’s plan of care by a Social Worker, or by a Social Service Associate with appropriate supervision as required by the Wyoming Mental Health Professions Licensing Board.

(i) “Social Worker” means a person who is licensed to practice as a Clinical Social Worker (LCSW) or certified to practice as a Social Worker (CSW) by the Wyoming Mental Health Professions Licensing Board.

(ii) “Social Service Associate” means a person who has a degree in social work or closely related field and has at least one (1) year of social services experience in a health care setting; or,

(A) A person who has at least two (2) years of experience in social services in a health care setting and receives regular consultation from a social worker or recognized social service agency.

(ff) “Speech Language Pathologist” means a person who is licensed in the State of Wyoming to practice speech language pathology.

(gg) “Speech Pathology” means the application of principles, methods, and procedures for the measurement, testing, evaluation, prediction, counseling, instruction, habilitation or rehabilitation related to the development and disorders of speech, voice, or language for the purpose of preventing, evaluating, modifying, or ameliorating such disorders and conditions in individuals or groups or individuals.

(hh) “State Survey Agency” means the Department of Health, Office of Health Quality which has the primary responsibility to determine whether or not health care providers/suppliers meet federal certification standards to participate in the Medicaid and/or Medicare programs as per the Agreement between the Secretary of the U.S. Department of Health and Human Services and the State of Wyoming dated June 18, 1985.

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

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

(kk) “Therapy Service” includes physical therapy, occupational therapy, and speech language therapy.

Section 5. Organization and Administration.

(a) Governing Body. The Nursing Care Facility shall have a governing body which has the legal authority and responsibility to operate the Nursing Care Facility. The governing body shall:

(i) Appoint a full-time, on premise, administrator qualified by education, training and experience as established by the Wyoming Board of Nursing Home Administrators.

(A) The administrator shall have a current license as a Wyoming Licensed Nursing Home Administrator.

(ii) Temporary License. A temporary license may be granted by the Wyoming Board of Nursing Home Administrators:

(A) To fill a position of Nursing Home Administrator that unexpectedly becomes vacant;

(B) For a period not to exceed six (6) months;

(C) After consideration by the Board of Nursing Home Administrators on an individual basis; and

(D) To an individual who does not meet all the licensing requirements under the Act, but who is of good character and meets the educational requirements as stated.

(iii) A temporary license may be renewed for good cause for one (1) time if requested thirty (30) days prior to the termination of the initial temporary license.

(iv) The administrator of a hospital with a connecting nursing care wing can serve as the administrator and shall be licensed as a Wyoming Nursing Home Administrator.

(v) The administrator shall enforce the rules and regulations relative to the level of health care and safety of residents and for the protection of their personal and property rights.

(vi) The administrator shall plan, organize, and direct those responsibilities delegated to him by the governing body or its equivalent.

(vii) An employee of the facility shall be authorized in writing to act on the administrator’s behalf during his/her absence.