

SENATE FILE NO. SF0135

Assisted living facilities-regulations.

Sponsored by: Senator(s) Scott and Representative(s)
Harvey

A BILL

for

1 AN ACT relating to regulation of health care facilities;
2 requiring review and modification of rules governing
3 assisted living facilities; providing for an ad hoc
4 advisory committee on modification of assisted living
5 facility rules; providing for reports; and providing for
6 effective dates.

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8 *Be It Enacted by the Legislature of the State of Wyoming:*

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10 **Section 1.** W.S. 35-2-908 is amended to read:

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12 **35-2-908. Rules and regulations.**

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14 (a) The department shall promulgate and enforce
15 reasonable rules and regulations necessary to protect the

1 health, safety and welfare of patients of health care
2 facilities licensed under this act.

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4 (b) The regulations governing assisted living
5 facilities shall be modified to provide that:

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7 (i) Services provided by an assisted living
8 facility may include the following care provided that the
9 care is within the professional scope of practice of the
10 person providing it or is care that an able and willing
11 family member could provide at home with ad hoc training,
12 periodic inspection and appropriate follow up by a health
13 care professional:

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15 (A) Care of open skin lesions without
16 complications;

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18 (B) Changing of catheter collection bags;

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20 (C) Catheter care, including changing of
21 tubing;

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23 (D) Care of residents with occasional
24 bladder incontinency;

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(E) Care of residents on continuous oxygen supplementation even if the resident is unable to determine if the oxygen is on or off and is unable to adjust the flow or turn the oxygen on, provided the patient's health condition would tolerate a lack of continuous oxygen therapy.

(ii) For all of the conditions identified pursuant to paragraph (i) of this subsection, an assisted living facility shall have the right to declare that a specific resident's condition is beyond the ability of the facility to provide care and to require that the resident obtain outside professional assistance or move to a different facility;

(iii) Services identified in paragraph (i) of this subsection may be provided through the assisted living facility's employees or outside professionals contracted by the facility;

(iv) If the facility has a contract with a Wyoming licensed dietician, it shall not be required to have a certified dietary manager;

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Section 2.

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(v) Staffing shall be adjusted according to an established staffing policy of the assisted living facility as necessary to provide for the acuity level in the facility.

(a) The department of health shall conduct a review of regulations governing assisted living facilities and modify them as necessary to achieve the following objectives:

(i) An assisted living facility should have the ability to provide residents with assistance in performing the tasks of daily living and provide care that an able and willing family member would be able to perform in the home with ad hoc training from an appropriate professional and with appropriate periodic inspection and follow up;

(ii) It is in the interest of the people and the state of Wyoming for residents of assisted living facilities to be able to remain in those facilities as long as possible before transferring to a more restrictive and

1 more expensive skilled nursing facility only when
2 necessary.

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4 (b) To assist in conducting its review of regulations
5 pursuant to subsection (a) of this section, the department
6 may convene an ad hoc advisory committee consisting of
7 representatives of assisted living facilities, health care
8 professionals and public representatives.

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10 (c) If necessary to comply with federal Medicaid law
11 and regulations, the department may provide separately for
12 restrictions on services provided by assisted living
13 facilities to residents who are Medicaid clients or for
14 restrictions on assisted living facilities that accept
15 Medicaid clients.

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17 (d) The department of health shall report to the
18 joint labor, health and social services interim committee
19 by November 1, 2013 and September 1, 2014 regarding its
20 review of regulations and changes to regulations as
21 provided in this section.

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23 **Section 3.**

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1 (a) Section 1 of this act is effective July 1, 2013.

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3 (b) Section 2 of this act is effective immediately
4 upon completion of all acts necessary for a bill to become
5 law as provided by Article 4, Section 8 of the Wyoming
6 Constitution.

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(END)