

State of Wyoming



Department of Health

Chapter 2

Rules and Regulations for Additional Institutional Services

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Director and State Health Officer

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Chapter 2
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Statement of Reasons

The Wyoming Department of Health is promulgating this New Rule pursuant to SEA 50, 2008 Wyoming Session Laws, ch. 85, enacted during the 2008 General Legislative Session, the relevant portion of which will be codified at W.S. 9-2-106(d) and in compliance with the Wyoming Administrative Procedures Act at W.S. 16-3-101, *et seq.*

This Rule is being adopted to provide guidance to the director in authorizing various State facilities to provide services to persons with conditions other than those specified in the provisions governing those institutions in Title 25 of the Wyoming Statutes when certain requirements are met.

As required by W.S. 16-3-103(a)(i)(G), the Rule for Additional Institutional Services meets minimum substantive state statutory requirements.

Chapter 2
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Section 1. Authority. This rule is promulgated by the Department of Health pursuant to W.S. 9-2-106(d) and the Wyoming Administrative Procedures Act at W.S. 16-3-101.

Section 2. Purpose and Applicability.

(a) This rule has been adopted to specify the conditions under which the Director of the Department of Health may authorize the Wyoming Life Resource Center, the Wyoming State Hospital, the Wyoming Pioneer Home, the Veterans' Home of Wyoming, and the Wyoming Retirement Center to provide services to persons with conditions other than those specified in the provisions governing those State institutions in Title 25 of the Wyoming Statutes.

(b) The Department may issue provider manuals, provider bulletins, or both, to interpret the provisions of these rules and regulations. Such provider manuals and provider bulletins shall be consistent with and reflect the policies contained in these rules and regulations. The provisions contained in provider manuals or provider bulletins shall be subordinate to the provisions of these rules and regulations.

(c) The incorporation by reference of any external standard is intended to be the incorporation of that standard as it is in effect on the effective date of these rules and regulations.

Section 3. Severability. If any portion of this rule 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 this rule. Where the context in which the words are used in this rule indicates that such is the intent, words in the singular number shall include the plural and visa versa. Throughout this rule gender pronouns are used interchangeably, except where the context dictates otherwise. 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.

(a) "Alternate institution" means an institution within the Department of Health that will provide services to persons with conditions other than those specified in the provisions governing those State institutions in Title 25 of Wyoming statutes.

(b) "Director" means the Director of the Department of Health.

(c) "Guardian" means as defined in W.S. 3-1-101(a)(v).

(d) "Institution" means the Wyoming Life Resource Center, the Wyoming State Hospital, the Wyoming Pioneer Home, the Veterans' Home of Wyoming, or the Wyoming Retirement Center.

(e) "Services" means evaluation, treatment, therapy, medical, residential, and general care and maintenance of persons residing in an institution.

(f) "Title 25" means W.S. 25-5-101 through 25-5-135; 25-8-101 through 25-8-104; 25-9-101 through 25-9-106; and 25-10-101 through 25-10-127.

Section 5. General Provisions.

(a) The Director may authorize the institutions to provide services to persons with conditions other than those specified in the provisions governing those State institutions in Title 25 of the Wyoming Statutes when the following conditions are met and documented:

- (i) There is a need for such services;
- (ii) The services can be provided effectively by the institution, to include:
 - 1. Sufficient numbers of staff qualified and with appropriate training to treat the population and who represent the various disciplines required for appropriate care;
 - 2. A range of services that is consistent with state of the art services provided to the population;
 - 3. Available space in the institution to provide adequate living area and areas for specific or specialized services that may be required by the population; or
 - 4. Specialized equipment necessary to serve the population.
- (iii) The services can be delivered in a manner that assures the safety of all persons served by the institution;
- (iv) The services provided are statutorily authorized for any of the institutions;
- (v) The service needs are similar to those authorized for any of the institutions; or
- (vi) The services are necessary to protect the public health and safety.

Section 6. Process.

(a) A written plan shall be developed and implemented by the Department of Health prior to the transfer of clients between institutions, to include:

- (i) Screening of the client by a team of staff from the receiving institution;

(ii) Notification of the planned transfer to the client and the client's guardian, if applicable. Notification may also be provided to the client's family and to Protection and Advocacy, if applicable and if appropriate authorization is provided;

(iii) Arrangements for transfer of all relevant documentation, including medical and clinical records;

(iv) Plans for timely and safe transport to the receiving institution; and

(v) An estimated timeline for completion of the transfer.

(b) Once the above plan has been developed, it shall be submitted to the Director for final approval of the transfer. In making the final decision on the transfer, the Director shall consider the proximity of the proposed institution to the client's home community. If possible, the client should be placed in the alternate institution that best provides the needed service, which is as close to the client's home community, as possible.

(c) The Director shall provide forums for institutions to increase the coordination between institutions and provide opportunities to discuss programming, placements, and the transfer of clients between the institutions.

(d) The placement of clients in an institution for services other than those specified in the provisions governing the institution, shall be reviewed by the Director on a quarterly basis to ensure the client's needs are adequately addressed and the placement is consistent with the provisions of Section 5(a) of this rule.