Certification Page
Regular and Emergency Rules

Revised May 2014

☐ Emergency Rules *(After completing all of Sections 1 and 2, proceed to Section 5 below)* ☑ Regular Rules

1. General Information

a. Agency/Board Name Wyoming Department of Health, Aging Division, Community Living Section		
b. Agency/Board Address 6101 Yellowstone Rd., Ste. 186A	c. City Cheyenne	d. Zip Code 82002
e. Name of Contact Person Lindsay Hruby	f. Contact Telephone Number 307-777-8735	
g. Contact Email Address Lindsay.Hruby@wyo.gov	h. Adoption Date April 5, 2016	
i. Program Wyoming Home Services (previously Adult Home Care)		

2. Rule Type and Information: For each chapter listed, indicate if the rule is New, Amended, or Repealed.

☐ If "New," provide the Enrolled Act numbers and years enacted:

c. Provide the Chapter Number, Short Title, and Rule Type of Each Chapter being Created/Amended/Repealed
(Please use the Additional Rule Information form for more than 10 chapters, and attach it to this certification)

Chapter Number:	Chapter Name:			
1	Wyoming Home Services (previously Community Based In-Home Services)	☐ New	☑ Amended	☐ Repealed
		☐ New	☐ Amended	☐ Repealed
		☐ New	☐ Amended	☐ Repealed
		☐ New	☐ Amended	☐ Repealed
		☐ New	☐ Amended	☐ Repealed
		☐ New	☐ Amended	☐ Repealed
		☐ New	☐ Amended	☐ Repealed
		☐ New	☐ Amended	☐ Repealed
		☐ New	☐ Amended	☐ Repealed
		☐ New	☐ Amended	☐ Repealed

d. ☑ The Statement of Reasons is attached to this certification.

e. If applicable, describe the **emergency** which requires promulgation of these rules without providing notice or an opportunity for a public hearing:

3. State Government Notice of Intended Rulemaking

a. Date on which the Notice of Intent containing all of the information required by W.S. 16-3-103(a) was filed with the **Secretary of State**:	February 1, 2016
b. Date on which the Notice of Intent and proposed rules in strike and underscore format and a clean copy were provided to the **Legislative Service Office**:	February 1, 2016
c. Date on which the Notice of Intent and proposed rules in strike and underscore format and a clean copy were provided to the **Attorney General**:	February 1, 2016

4. Public Notice of Intended Rulemaking

a. Notice was mailed 45 days in advance to all persons who made a timely request for advance notice. ☑ Yes ☑ No ☐ N/A

b. A public hearing was held on the proposed rules. ☐ Yes ☑ No

If "Yes:"	Date:	Time:	City:	Location:

5. Final Filing of Rules

a. Date on which the Certification Page with original signatures and final rules were sent to the **Attorney General's Office for the Governor's signature**:	April 5, 2016
b. Date on which final rules were sent to the **Legislative Service Office:**	April 5, 2016
c. Date on which a PDF of the final rules was electronically sent to the **Secretary of State**:	April 5, 2016

6. Agency/Board Certification

The undersigned certifies that the foregoing information is correct.

Signature of Authorized Individual *(Blue ink as per Rules on Rules, Section 7)*	Thomas O Forslund
Printed Name of Signatory	Thomas O. Forslund
Signatory Title	Director
Date of Signature	April 5, 2016

7. Governor's Certification

I have reviewed these rules and determined that they:

1. Are within the scope of the statutory authority delegated to the adopting agency;
2. Appear to be within the scope of the legislative purpose of the statutory authority; and, if emergency rules,
3. Are necessary and that I concur in the finding that they are an emergency.

Therefore, I approve the same.

Governor's Signature	
Date of Signature	

Attorney General: 1. Statement of Reasons; 2. Original Certification Page; 3. Summary of Comments (regular rules); 4. Hard copy of rules: clean and strike/underscore; and 5. Memo to Governor documenting emergency (for emergency rules only).

LSO: 1. Statement of Reasons; 2. Copy of Certification Page; 3. Summary of Comments (regular rules); 4. Hard copy of rules: clean and strike/underscore; 5. Electronic copy of rules (PDFs) emailed to Criss.Carlson@wyoleg.gov: clean and strike/underscore; and 6. Memo to Governor documenting emergency (for emergency rules only).

SOS: 1. PDF of clean copy of rules; and 2. Hard copy of Certification Page as delivered by the AG.

CHAPTER 1

Rules and Regulations for Wyoming Home Services
Intent to Adopt Amended Rule

Statement of Reasons

The Wyoming Department of Health proposes to adopt the following Amended Rule pursuant to the provisions of Wyo. Stat. § 9-2-1208, and the Wyoming Administrative Procedure Act at Wyo. Stat. § 16-3-101 through -115.

The Department is promulgating these Rules to change the name of the program from *Adult Home Care* to *Wyoming Home Services* in the rule to match what it is called in practice, change the ownership of Wyoming Home Services' records to the grantee, and update state, local, and federal privacy and security regulation expectations. In addition, the rule chapter title will be changed from Community Based In-Home Services to Wyoming Home Services.

As required by Wyo. Stat. § 16-3-103(a)(i)(G), the Rules and Regulations for Wyoming Home Services meet minimum substantive state statutory requirements.

WYOMING DEPARTMENT OF HEALTH
AGING DIVISION

CHAPTER 1
WYOMING HOME SERVICES

Section 1. Authority. These rules are promulgated by the Wyoming Department of Health, Aging Division, pursuant to W.S. § 9-2-1208, W.S. § 35-1-229, and the Wyoming Administrative Procedures Act at W.S. § 16-3-101 et seq.

Section 2. Purpose. The purpose of these rules is to establish standards for the delivery of Wyoming Home Services for adults at risk of premature institutionalization.

Section 3. Scope of Program. The goals of the program are to foster self-sufficiency, prevent abuse, neglect or exploitation, maintain individuals in the least restrictive and safest environment, and prevent inappropriate or premature institutionalization, by offering short term and long term services. In addition to the services listed in W.S. § 9-2-1208, the following services may be provided:

(a) Care Coordination;

(b) Home Modifications;

(c) Chore;

(d) Personal Emergency Response System;

(e) Medication Set Up

Section 4. Interpretive Notices. The Division may issue manuals, bulletins, notices, or letter to interpret the provisions of these rules. Such manuals, bulletins, notices, and letters shall be consistent with and reflect the policies contained in these rules. The provisions contained in the manuals, bulletins, notices, or letter shall be subordinate to W.S. § 9-2-1208 and these rules.

Section 5. Definitions.

(a) "Access Care Coordinator." ("ACC") An individual certified, by the Division, as an Access Care Coordinator to provide Care Coordination to Wyoming Home Services program recipients.

(c) "At-risk." An individual unable to perform normal daily tasks independently due to multiple problems which can include, but are not limited to physical, emotional, or cognitive functioning, environment, abuse or neglect.

(d) "Care Coordination." A set of logical steps and processes of interaction within a service network which assure that a Client receives needed services in a supportive, cost effective manner.

(e) "Central Registry." The registry maintained by the Wyoming Department of Family Services pursuant to W.S. § 14-3-213 and W.S. § 35-20-115.

(f) "Certified Nursing Assistant (CNA)." A person who is currently certified as a Certified Nursing Assistant by the Wyoming State Board of Nursing.

(g) "Chore." Services that may include snow removal, yard maintenance, deep cleaning of household appliance or other services per the discretion of the Grantee.

(h) "Client." An At-risk adult who is the recipient of Wyoming Home Services.

(i) "Grantee." An organization that provides services outlined in an approved grant funded by the Division.

(j) "Homemaker." A person who assists with environmental services such as, but not limited to, housekeeping, basic meal preparation, shopping, and laundry.

(k) "Home Modifications." Minor modifications not to exceed three hundred dollars ($300) per Client per year that are necessary to facilitate the ability of At-risk adults to remain in their homes and that are not available under other programs.

(l) "Level of Care." Level of services a Client may need such as in home, intermediate, or institutional.

(m) "Personal Care." Activities include, but not limited to, bathing, grooming, feeding, ambulating, exercising, oral hygiene, and skin care.

(n) "Personal Emergency Response System (PERS)." A Grantee provided electronic device worn by the Client to summon emergency help.

(p) "Service Plan." Documentation of demographic information, the time frame in which services will be provided, services that will be provided, the agreed upon amount to be paid for services, and eligibility information to meet the needs and goals of the Client.

(q) "Sliding Fee Scale." A formula, created by the Division, to determine a Client's ability to pay for services rendered.

(r) "Wyoming Home Services." A program provided to Wyoming residents per W.S. § 9-2-1208.

Section 6. Eligibility. Clients of this program must:

(a) Be at least 18 years of age;

(b) Be determined through an ongoing assessment to be facing the possibility of premature institutionalization;

(c) Meet but not exceed the Level of Care requirements as established by the Division's evaluation, and;

(d) Reside within the State of Wyoming.

Section 7. Funding.

(a) Funding will be disbursed statewide through contracts with the Division based on a funding formula developed by the Division.

(i) Program income received must be utilized as part of the Grantees program budget.

Section 8. Client Fees. Clients will pay a fee for services provided based on their ability to pay as determined by the Division's Sliding Fee Scale. The agreed upon amount shall be stated on the Service Plan and signed by the Client and the ACC. Such fees will be considered program income. Clients will not be denied services based upon an inability to pay.

(a) Clients being charged for services will be provided with monthly statements. Fees may be accrued for sixty (60) days on a statement to the Client, after sixty (60) days the Grantee shall decrease the balance to zero.

(b) If the Client is unable to pay the agreed upon amount, the Client shall notify their Access Care Coordinator of their inability to pay, at which time the ACC and Client shall determine a new agreed upon amount. This information shall be reflected on the Service Plan.

Section 9. Hiring Procedures. The following will apply to all Licensed Nurses, CNAs and Homemaker/Chore personnel hired at the effective date of this rule.

(a) Due to the nature of the Wyoming Home Services Program providing services to vulnerable adults, any individual who appears on the Central Registry or who has been convicted of a felony, or a misdemeanor related to abuse, neglect, exploitation, and/or abandonment of adults or children shall not provide in-home services as listed in Section 3.

(b) Prior to working independently in a Client's home, the following reference checks must be completed and documented in the employees' personnel file:

(i) Written documentation of at least two (2) character references from a previous employer, if any, 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 result(s).

(ii) The Grantee must contact the Wyoming Department of Family Services, for all personnel who are not licensed or certified by the Wyoming State Board of Nursing, to ensure the individual does not appear on the Central Registry.

(iii) The Grantee must contact the Wyoming State Board of Nursing for those staff who are licensed and/or certified by the Wyoming State Board of Nursing, to ensure the individual is in good standing with the board.

Section 10. Staff Development. Grantees shall ensure that all staff have a general orientation completed during the first week of employment and prior to direct Client contact.

(a) The orientation shall include, but is not limited to, the following areas as related to job responsibilities:

(i) Confidentiality, including training on state, local and federal legislation related to privacy and security;

(ii) Emergency procedures;

(iii) Client rights and responsibilities;

(iv) Grantee rights and responsibilities;

(v) Abuse reporting procedures;

(vi) Communication;

(vii) Understanding and working with various Client populations, and;

(viii) Understanding basic human needs.

(b) Documentation of all staff orientation shall be kept on file for as long as staff is employed and six (6) years thereafter.

Section 11. Care Coordination. All Grantees shall employ an Access Care Coordinator.

(a) Access Care Coordinator Qualifications. As of the effective date of this rule all newly hired Access Care Coordinators must:

(i) Be at least 21 years of age and have a high school diploma, or equivalent, and;

(ii) Meet at least one of the following criteria:

(A) 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 care management, facility management, or other related fields from a college or institution, or;~~.~~

(B) Have at least two (2) years of experience in social services working with the elderly or people with disabilities.

(b) Access Care Coordinator responsibilities include, but are not limited to:

(i) Completing contact hours of job related continuing education, each State fiscal year starting July 1 through June 30, as specified by the Division;

(ii) Performing Client assessments as specified in Section 13; and,

(iii) Monitoring of all service provisions.

Section 12. Homemakers. The Homemaker assists with instrumental activities of daily living. The Homemaker does not provide any Personal Care.

(a) Examples of duties include, but are not limited to:

(i) Light Housekeeping;

(ii) Shopping;

(iii) Laundry;

(iv) Linen Change; and,

(v) Basic meal preparation.

(b) Supervision of Homemakers

(i) Homemakers shall be supervised by the Access Care Coordinator as frequently as the Client's condition requires, but at least every ninety (90) days.

(A) The Homemaker shall be present during the supervisory visit;

(B) The supervisory visits shall occur at the Client's home; and,

(C) The supervisory visits shall be documented.

Section 13. Certified Nursing Assistant. CNAs shall follow the rules and regulations according to the Wyoming Nurse Practice Act W.S. § 33-21-119 through W.S. § 33-21-157.

Section 14. Client Evaluation. All evaluations will be documented on a form approved by the Division and are preferably conducted in the Client's home.

(a) Eligibility Screening. Prior to service provision each Client shall be screened to determine eligibility based on the definition of "At-risk".

(b) Initial Evaluation. The Grantee shall conduct a written initial evaluation of each Client based upon the information presented by the Client, family members, friends, and responsible parties. A Service Plan will be developed based on the evaluation and established goals.

(c) Quarterly Evaluations. Evaluation of a Client must be made by a case manager in the Client's home to evaluate the quality and need for services at least every ninety (90) days. Adjustments in the Service Plan will be made as necessary.

(d) Annual Evaluation. The ACC shall complete an evaluation, utilizing the initial evaluation form, at least annually or as a significant change in condition dictates.

Section 15. Service Plan. During all phases of the assessment process the Service Plan shall be developed, reviewed and/or modified as indicated to meet the needs of the Clients.

(a) Service Plan:

(i) A Service Plan shall be developed by an Access Care Coordinator and shall consist of the following:

(A) The specific procedures to be done;

(B) The frequency of the procedures;

(ii) Written Service Plan instructions must be provided to the Homemaker and/or Personal Care attendant before services are initiated.

(iii) If a change in a Client's Service Plan occurs, the Access Care Coordinator must provide a copy of the revised Service Plan to the Client. The Client or legal representative must sign the revised plan for implementation.

Section 16. Maintenance of Records. The Grantee must maintain a record of each Client for the Wyoming Home Services program. All Client records relating to the program are subject to state, local and federal privacy and security regulations.

(a) Documentation. The Grantee shall ensure that the program maintains an adequate system of record keeping to comply with these rules.

(b) The record must include but is not limited to the following:

(i) All eligibility and evaluation material;

(ii) Signed copy of the Division's Client's rights and grievance procedure;

(iii) Documentation of all Client related contact; and,

(iv) Disposition of referral, Service Plans, termination and all other documentation pertinent to the Client's care.

(c) Upon written consent from the Client or legal representative, Client records shall be shared with other facilities/agencies upon referral or termination.

(d) All Client files required by these rules shall be kept in a locked cabinet or area and retained by the Grantee at least six (6) years after Client termination date.

(e) All records, case files and other forms of documentation pertinent to the Wyoming Home Services Program are considered property of the Grantee and subject to protections under state and federal law as of the effective date of this rule. The State of Wyoming shall have access to documentation pertinent to the Wyoming Home Services Program for purposes including but not limited to audit, quality assurance, program transfer and complaint reviews. The Grantee shall fully cooperate with any requests made by the Division for records.

(i) In the event a program should close, or transfer from one Grantee to another, the Division shall arrange for the transfer of all program records to the appropriate Grantee.

(ii) Case records shall be sealed and confidentially maintained, should the change in record custody be necessary.

Section 17. Termination.

(a) The Grantee may terminate a Client from the program due to any of the following:

(i) Increasing or decreasing requirements as indicated by the Division's evaluation and Level of Care tools. An independent evaluation performed by a licensed nurse may be requested at the Division's discretion;

(ii) Cost containment requirements are exceeded as set by the Grantee;

(iii) The Client or their legal representative has signed an agreement to pay a fee for service but has not paid such fees;

(iv) The Client chooses nursing home placement or other alternatives,

(v) The Client or Client's family impedes the provision of services;

(vi) The Grantee has a reduction of funding or services;

(vii) The Grantee ceases to operate without transferring services; or,

(viii) The Client does not receive services for thirty (30) continuous calendar days.

(b) In the above referenced items (i)-(viii) Grantees must provide at least fourteen (14) days written advance notice of intent, to the Client, to terminate services. This letter must include the end date of services. The Grantee must provide services during the fourteen (14) calendar day period.

(c) A Client may be terminated immediately from the program, provided with notice of immediate termination of services, and services may not be provided during the complaint review process, if:

(i) The Client or Client's family creates a hostile, dangerous or unsafe work environment for the Grantee's staff, including but not limited to verbal or physical threats; or,

(ii) The Client becomes a danger to self or others.

Section 18. Client's Right to Self-Determination. Clients are entitled to decide where and how they live, and whether or not they wish to receive Wyoming Home Services and other forms of assistance. Grantees must recognize the civil rights of individuals they wish to serve and must terminate service at any time that a Client refuses such services.

Section 19. Capitation. Each Wyoming Home Services Program Grantee shall develop cost caps for fiscal control.

Section 20. Program Transfer. If the program is to be transferred from one Grantee to another, it is the responsibility of the transferring Grantee to inform Clients of changes in writing fourteen (14) days prior to the transfer. The information provided to the Client shall include, at a minimum;

(a) Name of the new Grantee, along with the name and telephone number of the contact person;

(b) Information about potential changes in the provision of services;

(c) Assurance that the Client will not be arbitrarily dropped from the program due to the transfer;

(d) Informing the Client that a new assessment is required and will occur within ninety (90) days of transfer, and;

(e) The date of transfer.

(i) Should the program transfer from one Grantee to another, it is the new Grantee's responsibility to assess all transferred Clients within ninety (90) days. Grantees shall make all efforts to minimize interruption of services to transferred Clients.

Section 21. Quality Assurance. Quality assurance assessments for Wyoming Home Services will be implemented in a format which has been approved by the Division.

Section 22. Insurance and Bonding. The Grantee shall assure that all Access Care Coordinators, Homemakers, CNAs and Nurses are covered by liability insurance and bonding.

Section 23. Client Notification of Scheduling Changes. The Grantee shall notify the Client and/or responsible parties in a timely manner of inability to provide services at previously arranged time and/or date. Grantee shall make reasonable effort to provide services.

Section 24. Complaint Review. A complaint may be made by setting forth in writing the act done or omitted by the Grantee in violation of state and federal law, order, rule or standard over which the Division has jurisdiction. If the complaint(s) is not under the jurisdiction of the Division, the person making the complaint will be directed to the appropriate authority for review. All complaints that are within the jurisdiction of the Division will be handled in accordance with Chapter 2 of the Aging Division Operational Rules.

WYOMING DEPARTMENT OF HEALTH
AGING DIVISION

CHAPTER 1
RULES FOR ~~COMMUNITY BASED IN-HOME SERVICES~~ WYOMING HOME SERVICES

Section 1. Authority. These rules are promulgated by the Wyoming Department of Health, Aging Division, pursuant to W.S. § 9-2-1208 ~~et seq.~~, ~~W.S. § 42-2-103 (b) (viii), § 9-2-2005 (d)~~, W.S. § 35-1-229, ~~Laws 1991, ch221, 1 (b) section (a)(ii)~~, and the Wyoming Administrative Procedures Act at W.S. § 16-3-101 et seq.

Section 2. Purpose. The purpose of these rules is to establish standards for the delivery of ~~community based in-home services~~ Wyoming Home Services for adults at risk of premature institutionalization.

Section 3. Scope of Program. The goals of the program are to foster ~~of~~ ~~fostering~~ self-sufficiency, prevent~~ing~~ abuse, neglect or exploitation, maintain~~ing~~ individuals in the least restrictive and safest environment, and prevent~~ing~~ inappropriate or premature institutionalization~~.~~, by offering short term and long term services. In addition to the services listed in W.S. § 9-2-1208, the following services may be provided:

(a) ~~The program consists of the following services provided in the home:~~ Care Coordination;

~~(i) Case management,~~

~~(ii) Homemaking services,~~

~~(iii) Personal Care,~~

(b) Home Modifications;

~~(iv) Home modifications,~~

(c) Chore;

~~(v) Chore,~~

~~(vi) Respite,~~

~~(vii) Hospice services, and~~

(d) P~~p~~ersonal E~~e~~mergency R~~r~~esponse S~~s~~ystem;

(e) Medication Set Up

~~(viii) Personal Emergency Response System.~~

~~(b) Adult day care services are provided in a licensed facility.~~

Section 4. Interpretive Notices. The Division may issue manuals, bulletins, notices, or letter to interpret the provisions of these rules. Such manuals, bulletins, notices, and letters shall be consistent with and reflect the policies contained in these rules. The provisions contained in the manuals, bulletins, notices, or letter shall be subordinate to W.S. § 9-2-1208 and these rules.

Section 5. Definitions.

(a) "Access Care Coordinator." ("ACC") An individual certified, by the Division, as an Access Care Coordinator to provide Care Coordination to Wyoming Home Services program recipients.

~~(b) "Adult Daycare." 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.~~

~~(b) "Assessment." Determining the status of the Client in relation to specific conditions targeted for service or related conditions that can be addressed by the program. This will be completed as specified by the Division.~~

(c) "At-risk." An individual unable to perform normal daily tasks independently due to multiple problems which can include, but are not limited to physical, emotional, or cognitive functioning, environment, abuse or neglect.

~~(d) "Capitation." A cost containment measure which places spending limits on community based in-home services funding for each Client.~~

~~(e) "Care Plan/Service Plan." Documentation of the services that will be provided to meet the needs and goals of the Client.~~

(d~~f~~) "~~Case Management~~Care Coordination." A set of logical steps and processes of interaction within a service network which assure that a Client receives needed services in a supportive, cost effective manner.

(e~~g~~) "Central Registry." ~~Means t~~The registry maintained by the Wyoming Department of Family Services pursuant to W.S. § 14-3-213~~, which indexes perpetrators of child abuse or neglect and abuse, exploitation or abandonment of disabled adults~~.

(fh) "Certified Nursing Assistante's Aide (CNA)." A person who is currently certified as a Certified Nursing Assistant by the Wyoming State Board of Nursing.

(g) "Chore." Services that may include snow removal, yard maintenance, deep cleaning of household appliance or other services per the discretion of the Grantee.

(hi) "Client." An At-risk adult who is the recipient of community based in-home services Wyoming Home Services.

(j) "Client Assessment." Interviewing and observing the Client, usually in the Client's home, in order to obtain information on the Client's functional capacity, available personal and social support resources, perceived problems, and services currently received from formal or informal sources.

(k) "Days." Calendar days.

(l) "Department." The Wyoming Department of Health.

(m) "Division." The Wyoming Aging Division.

(n) "Fiscal Year." An accounting period of twelve months starting July 1 through June 30.

(io) "Grantee." An organization that provides services outlined in an approved grant funded by the Division.

(p) "Health Assessment." An evaluation of a Client's medically related needs by a physician or physician extender.

(jq) "Homemaker." A person who assists with environmental services such as, but not limited to, housekeeping, basic meal preparation, shopping, and laundry. Homemakers do not provide Personal Care.

(kr) "Home Modifications." Minor modifications not to exceed three hundred dollars ($300) per Client per year that are necessary to facilitate the ability of At-risk adults to remain in their homes and that are not available under other programs. A maximum of three hundred dollars ($300) per Client may be expended under this part for such modifications.

(s) "Hospice." A program for the terminally ill and their families given in a home or health facility which provides medical, palliative, psychological, spiritual, and supportive care and treatment.

(l) "Level of Care." Level of services a Client may need such as in home, intermediate, or institutional.

~~(t) "Local Match." Local funds raised by the Grantee to be used to match state and federal funds within the Grantee's budget.~~

~~(u) "Outreach." Identifying and establishing contact with persons who need the services provided by the program.~~

(m~~v~~) "Personal Care." Activities include, but not limited to, bathing, grooming, feeding, ambulating, exercising, oral hygiene, and skin care.

(n~~w~~) "Personal Emergency Response System (PERS)." AGrantee provided ~~An~~ electronic device worn by the Client to summon emergency help.

~~(x) "Physician Extender." Physician Assistant (PA) and/or Advanced Practitioner of Nursing.~~

~~(y) "Respite Care." Temporary, substitute supports or living arrangements to provide a brief period of relief for caregivers.~~

(p) "Service Plan." Documentation of demographic information, the time frame in which services will be provided, services that will be provided, the agreed upon amount to be paid for services, and eligibility information to meet the needs and goals of the Client.

~~(z) "Senior Citizen." Any person 60 years of age or older.~~

~~(aa) "Service Unit." One hour of direct service provided to the Client with the exception of PERS. One service unit for PERS is defined as either an initial hook-up, the monthly service, or the termination of service.~~

(q~~bb~~) "Sliding Fee Scale~~Schedule~~." A formula, created by the Division, to determine a Client's ability to pay~~Payment~~ for services rendered ~~to eligible Clients based on the ability to pay~~.

(r) "Wyoming Home Services." A program provided to Wyoming residents per W.S. § 9-2-1208.

Section ~~5~~6. Eligibility. Clients of this program must ~~be~~:

(a) Be ~~A~~at least 18 years of age;

(b) Be ~~D~~determined through an ongoing assessment to be ~~at risk~~ facing the possibility of premature institutionalization~~, and~~;

(c) ~~In need of program services.~~Meet but not exceed the Level of Care requirements as established by the Division's evaluation, and;

(d) Reside within the State of Wyoming.

Section ~~6~~7. Funding.

(a) Funding ~~for the Community Based In-Home Services Program~~ will be disbursed statewide through contracts with the Division based on a funding formula developed by the Division.

~~(i) Each Grantee must provide at least five (5) percent of the contracted amount, based on actual expenses, to be applied as a local match for its budget.~~

(i~~i~~) Program income received must be utilized as part of the Grantees program budget.

~~(b) Resource Allocation.~~

~~(i) Ages 60 and over.~~

~~(A) Grantees must designate a minimum of eighty-five percent (85%) of the contract amount to serve Clients age 60 and over.~~

~~(ii) Ages 18 through 59.~~

~~(A) Grantees may designate no more than fifteen percent (15%) of the contract amount for Clients age 18 though 59.~~

~~(I) Based on documented outreach efforts and community need, Grantees have the discretion to use the funds:~~

~~(1) Above for those age 60 and over.~~

Section ~~7~~8. Client Fees. ~~Utilizing the Division's sliding fee schedule as a guideline,~~ ~~c~~Clients will pay a fee for ~~all~~ services provided based on their ability to pay as determined by the Division's Sliding Fee Scale. The agreed upon amount shall be stated on the Service Plan and signed by the Client and the ACC. Such fees will be considered program income. Clients ~~who cannot pay~~ will not be denied services based upon an inability to pay.

(a) Clients being charged for services will be provided with monthly statements ~~regarding the number of service units and the agreed upon fee for services~~. Fees may be accrued for sixty (60) days on a statement to the Client, after sixty (60) days the Grantee shall decrease the balance to zero.

(b) If the Client is unable to pay the agreed upon amount, the Client shall notify their Access Care Coordinator of their inability to pay, at which time the ACC and Client shall determine a new agreed upon amount. This information shall be reflected on the Service Plan.

Section ~~8~~9. ~~Personnel~~Hiring Procedures.

~~(a) Hiring Procedures:~~

~~(i)~~ The following will apply to all Licensed Nurses, CNA~~'~~s and Homemaker/Chore personnel hired at the effective date of this rule.

(a) ~~(A)~~ Due to the nature of the Wyoming Home Services Program providing services to vulnerable adults, any individual ~~No Licensed Nurse, CNA, or Homemaker/Chore personnel shall have~~ who appears on the Central Registry or who has been convicted of a felony, or a misdemeanor related to abuse, neglect, exploitation, and/or abandonment of adults or children shall not provide in-home services as listed in Section 3.

(b) ~~(B)~~ Prior to working independently in a Client's home, the following reference checks must be completed and documented in the employees' personnel file:

(i) ~~(I)~~ Written documentation of at least two (2) character references from a previous employer, if any, 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 result(s).

(ii) ~~(II)~~ The ~~project~~Grantee must contact the Wyoming Department of Family Services, for all personnel who are not licensed or certified by the Wyoming State Board of Nursing, to ensure the individual does not appear on the Central Registry.

(iii) ~~(III)~~ The ~~project~~Grantee must contact the Wyoming State Board of Nursing for those ~~personnel~~staff who are licensed and/or certified by the Wyoming State Board of Nursing, to ensure the individual is in good standing with the board.

~~(C) Any individual who has been convicted of a felony or a misdemeanor related to abuse, neglect, exploitation, or abandonment of adults or children shall not work for the Community Based In-Home Service Program.~~

Section ~~9~~10. Staff Development. Grantees shall ensure that a~~A~~ll staff ~~shall~~ have a general orientation completed during the first week of employment and prior to direct Client contact.

(a) The orientation shall include, but is not limited to, the following areas as related to job responsibilities:

(i) Confidentiality, including training on state, local and federal legislation related to privacy and security;

(ii) Emergency procedures;

~~(A) Cardio-Pulmonary Resuscitation (CPR)~~

~~(B) First Aid~~

~~(C) Universal precautions~~

(iii) Client rights and responsibilities;

(iv) Grantee rights and responsibilities;

(v) ~~Elder and disabled a~~Abuse ~~and~~ reporting procedures;

(vi~~v~~) Communication;

(vii~~vi~~) Understanding and working with various Client populations, and;

(viii~~vii~~) Understanding basic human needs.

(b) Documentation of all staff orientation shall be kept on file for as long as staff is employed and six (6) years thereafter~~personnel training shall be on file~~.

Section 1~~0~~1. Care Coordination~~Case Management~~. All Grantees shall employ an Access Care Coordinator~~case manager~~.

(a) Access Care Coordinator~~Case Manager~~ Qualifications. As of ~~On~~ the effective date of this rule all newly hired Access Care Coordinators~~case managers~~ must:

(i) Be at least 21 years of age and have a high school diploma, or equivalent, and;

(ii) Meet at least one of the following criteria:

(A) 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 care management, facility management, or other related fields from a college or institution, or;~~.~~

~~(B) Be a certified nursing assistant (CNA)~~

(B~~C~~) Have at least two (2) years of experience in social services working with the elderly or people with disabilities.

(b) Access Care Coordinator~~Case manager~~ responsibilities include, but are not limited to:

(i) Completing contact hours of job related continuing education, each State fiscal year starting July 1 through June 30, as specified by the Division.~~Obtaining certification by the Division~~;

~~(A) Maintain certification by completion of twelve (12) contact hours of job related continuing education each fiscal year.~~

(ii) Performing Client assessments as specified in Section 13~~2~~.; and~~;~~,

(iii) Monitoring of all service provisions.

Section 1~~1~~2. Homemakers. The Homemaker assists with instrumental activities of daily living~~, such as housekeeping and homemaking services, in order to preserve a safe, sanitary home, and to enhance family life~~. The Homemaker does not provide any Personal Care.

(a) Examples of duties include, but are not limited to:

(i) Light Housekeeping;

(ii) Shopping;

(iii) Laundry;

(iv) Linen Change~~,~~.; and~~;~~,

~~(iv) Essential errands;~~

(v) Basic meal preparation.~~;~~

~~(vi) Meal planning (except for Clients on therapeutic diets), and;~~

~~(vii) Maintaining a safe and sanitary environment.~~

~~(b) Training for Homemakers~~

~~(i) Training shall be a minimum of eight (8) hours, and shall be documented in the Homemaker's personnel record.~~

~~(ii) The following training areas shall be completed before any Client assignment. Training shall include:~~

~~(A) General staff orientation as specified in Section 8;~~

~~(B) Orientation to Homemaker services, including documentation responsibilities;~~

~~(C) Practical knowledge and skill in homemaking, and;~~

~~(D) Maintaining a clean, safe, and health environment.~~

(b~~c~~) Supervision of Homemakers

(i) Homemakers shall be supervised by the Access Care Coordinator~~case manager~~ as frequently as the Client's condition requires, but at least every ninety (90) days.

(A) The Homemaker shall be present during the supervisory visit;

(B) The supervisory visits shall occur at the Client's home~~,~~; and~~:~~,

(C) The supervisory visits shall be documented.

Section 1~~2~~3. Certified Nursing Assistant~~e's Aide~~. CNAs shall follow the rules and regulations according to the Wyoming Nurse Practice Act W.S. § 33-21-119 through W.S. § 33-21-157.

~~(a) Certified Nurses' Aides (CNA's) shall be supervised by a licensed nurse as specified by the Wyoming State Board of Nursing rules. On-site supervision shall be conducted at least every ninety (90) days. If a CNA's services are contracted by another agent, supervision of aides will be performed by the contracting agent.~~

~~(b) After appropriate delegation under the direction of the supervising nurse, the CNA shall demonstrate the abilities to respect Client's rights, adhere to legal and ethical concepts, communicate appropriately, ensure optimum Client safety, practice appropriate infection control and correct body mechanics. CNA's may perform services as outlined in the Wyoming State Board of Nursing rules.~~

Section 1~~3~~4. Client Evaluation~~Assessment~~. All evaluations~~assessments~~ will be documented on a form approved by the Division and are preferably conducted in the Client's home.

(a) Eligibility Screening. Prior to service provision each Client shall be screened to determine eligibility based on the definition of "At-risk".

(b) Initial Evaluation~~Assessment~~. The Grantee shall conduct a written initial evaluation~~assessment~~ of each Client based upon the information presented by the Client, family members, friends, and responsible parties~~, or conservator and any documented health assessment, if necessary~~. A ~~care/~~Service Plan will be developed based on the evaluation~~assessment~~ and established goals.

(c) Quarterly Evaluations~~Interim Assessments~~. Evaluation of a Client must be made by a case manager in the Client's home to evaluate the quality and need ~~to~~for services at least every ninety (90) days. Adjustments in the ~~care/~~Service Plan will be made as necessary.

(d) Annual Evaluation~~Assessment~~. The ~~case manager~~ ACC shall complete an evaluation~~assessment~~, utilizing the initial evaluation~~assessment~~ form, at least annually or as a significant change in condition dictates.

Section 1~~4~~5. ~~Care/~~Service Plan. During all phases of the assessment process the ~~care/~~Service Plan shall be developed, reviewed and/or modified as indicated to meet the needs of the Clients.

(a) ~~Care/~~Service Plan:

(i) A ~~care/~~Service Plan shall be developed by an Access Care Coordinator~~case manager~~ and shall consist of the following:

(A) The specific procedures to be done;

(B) The frequency of the procedures;

~~(C) The day and approximate arrival time at the Client's home, and;~~

~~(D) Procedures to be followed in an emergency situation.~~

(ii) Written ~~care/~~Service Plan instructions must be provided to the Homemaker and/or Personal Care attendant before services are initiated.

(iii) If a change in a Client's ~~care/~~Service Plan occurs, the Access Care Coordinator~~case manager~~ must provide a copy of the revised ~~care/~~Service Plan to the Client. The Client or legal representative must sign the revised plan for implementation.

Section 1~~5~~6. Maintenance of Records. The Grantee must maintain a record of each Client for the ~~Community Based In-Home~~Wyoming Home Services program. All Client records relating to the program are subject to state, local and federal privacy and security regulations.

(a) Documentation. The Grantee shall ensure that the program maintains an adequate system of record keeping to comply with these rules.

(b) The record must include but is not limited to the following:

(i) All eligibility and evaluation~~assessment~~ material;

(ii) Signed copy of the Division's Client's rights and grievance procedure;

(iii) Documentation of all Client related contact~~,~~; and~~;~~,

(iv) Disposition of referral, ~~care~~Service Plans, termination~~discharge~~ and all other documentation pertinent to the Client's care.

(c) Upon written consent from the Client or legal representative, Client records shall be shared with other facilities/agencies upon referral or terminationdischarge.

(d) All Client files required by these rules shall be kept in a locked cabinet or area and retained by the Grantee at least six (6)three (3) years after Client termination date.

(e) All records, case files and other forms of documentation pertinent to the Community Based In-Home Wyoming Home Services Program are considered property of the State of WyomingGrantee and subject to protections under state and federal law as of the effective date of this rule. The State of Wyoming shall have access to documentation pertinent to the Wyoming Home Services Program for purposes including but not limited to audit, quality assurance, program transfer and complaint reviews. The Grantee shall fully cooperate with any requests made by the Division for records.

(i) In the event a program should close, or transfer from one Grantee to another, the Division shall arrange for the transfer of all program records to the appropriate Grantee.

(ii) Case records shall be sealed and confidentially maintained, should the change in record custody be necessary.

Section 167. TerminationDischarge.

(a) The Grantee may terminate a Client from the program A Client shall be discharged from the program if they no longer meet one or moredue to any of the following:

(i) Increasing or decreasing Level of Care requirements as indicated by the Division's evaluation and Level of Care tools. An independent evaluation performed by a licensed nurse may be requested at the Division's discretion;

(ii) Target group definition;

(iii) Cost containment requirements are exceeded as set by the Grantee;

(iiiv) The Client or their legal representative has signed an agreement to pay a fee for service but has not paid such feesrefuses to pay the fee for service agreed upon by the Client, or their legal representative, and the case manager;

(v) Community Based In-Home Services are no longer appropriate;

(ivvi) The Client chooses nursing home placement or other alternatives, or;

(vii) The Client becomes a danger to self or others.

(v) The Client or Client's family impedes the provision of services;

(vi) The Grantee has a reduction of funding or services;

(vii) The Grantee ceases to operate without transferring services; or,

(viii) The Client does not receive services for thirty (30) continuous calendar days.

(b) In the above referenced items (i)-(viii) Grantees must provide at least fourteen (14) days written advance notice of intent, to the Client, to terminate services~~discharge~~. This letter must include the end date of services. The Grantee must provide services during the fourteen (14) calendar day period.

(c) ~~The Grantee must notify the Client immediately, in writing, of their right to appeal the discharge from services.~~ A Client may be terminated immediately from the program, provided with notice of immediate termination of services, and services may not be provided during the complaint review process, if:

(i) The Client or Client's family creates a hostile, dangerous or unsafe work environment for the Grantee's staff, including but not limited to verbal or physical threats; or,

(ii) The Client becomes a danger to self or others.

Section 1~~7~~8. Client's Right to Self-Determination. Clients are entitled to decide where and how they live, and whether or not they wish to receive ~~Community Based In-Home~~ Wyoming Home Services and other forms of assistance. Grantees must recognize the civil rights of individuals they wish to serve and must terminate service at any time that a Client refuses such services.

Section 1~~8~~9. Capitation. Each ~~Community Based In-Home~~ Wyoming Home Services Program Grantee shall develop cost caps for fiscal control.

~~Section 19. Confidentiality. Client confidentiality shall be maintained in conformance to the federal and state laws.~~

Section 20. Program Transfer. If the program is to be transferred from one Grantee to another, it is the responsibility of the transferring Grantee to inform Clients of changes in writing ~~within~~ fourteen (14) days prior to the transfer. The information provided to the Client shall include, at a minimum;

(a) Name of the new Grantee, along with the name and telephone number of the contact person;

(b) Information about potential changes in the provision of services;

(c) Assurance that the Client will not be arbitrarily dropped from the program due to the transfer;

(d) Informing the Client that a new assessment is required and will occur within ninety (90) days of transfer, and;

(e) The date of transfer.

(i) Should the program transfer from one Grantee to another, it is the new Grantee's responsibility to assess all transferred Clients within ninety (90) days. Grantees shall make all efforts to minimize interruption of services to transferred Clients.

~~Section 21. Grant Application. All grants must comply with the current requirements as set forth by the Division.~~

~~Section 22. Reporting Requirements. Grantees will comply with reporting requirements as prescribed by the Division. Noncompliance may result in termination or suspension of grant/contract.~~

Section 21~~3~~. Quality Assurance. Quality assurance assessments for ~~Community Based In-Home~~ Wyoming Home Services will be implemented in a format which has been approved by the Division.

~~(a) Quality assurance shall be conducted at each Grantee site at least every eighteen (18) months by a representative approved by the Division.~~

~~(b) All Community Based In-Home Services Grantees must provide any relevant documentation and information to the Division's representative during an assessment.~~

Section 22~~4~~. Insurance and Bonding. The Grantee shall assure that all ~~case managers~~Access Care Coordinators, Homemakers, CNA~~'s~~~~Certified Nursing's Aide~~ and ~~n~~Nurses are covered by liability insurance and bonding.

~~Section 25. Administrative and Judicial Review.~~

~~(a) An applicant or Client whose request for services is not acted upon within a reasonable time or who does not agree with the determination of ineligibility, or the provision of services or discharge from services under this program, may appeal in accordance with the Wyoming Administrative Procedure Act.~~

Section 23. Client Notification of Scheduling Changes. The Grantee shall notify the Client and/or responsible parties in a timely manner of inability to provide services at previously arranged time and/or date. Grantee shall make reasonable effort to provide services.

Section 24. Complaint Review. A complaint may be made by setting forth in writing the act done or omitted by the Grantee in violation of state and federal law, order, rule or standard over which the Division has jurisdiction. If the complaint(s) is not under the jurisdiction of the Division, the person making the complaint will be directed to the appropriate authority for

review. All complaints that are within the jurisdiction of the Division will be handled in accordance with Chapter 2 of the Aging Division Operational Rules.