



# Notice of Intent to Adopt Rules

Revised October 2014

## 1. General Information

a. Agency/Board Name		
b. Agency/Board Address	c. City	d. Zip Code
e. Name of Contact Person	f. Contact Telephone Number	
g. Contact Email Address		
h. Date of Public Notice	i. Comment Period Ends	
j. Program		

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 Rule Type and Information: For each chapter listed, indicate if the rule is New, Amended, or Repealed.

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

b. Provide the Chapter Number, Short Title, and Rule Type of Each Chapter being Created/Amended/Repealed  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:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed
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Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed

c.  The Statement of Reasons is attached to this Notice and, in compliance with *Tri-State Generation and Transmission Association, Inc. v. Environmental Quality Council*, 590 P.2d 1324 (Wyo. 1979), includes a brief statement of the substance or terms of the rule and the basis and purpose of the rule.

Complete all that apply:

The following chapters do not differ from the uniform rules identified in the Administrative Procedure Act, W.S. 16-3-103(j):  
\_\_\_\_\_ (Provide chapter numbers)

These chapters differ from the uniform rules identified in the Administrative Procedure Act, W.S. 16-3-103(j) (see Statement of Reasons).  
\_\_\_\_\_ (Provide chapter numbers)

N/A These rules are not impacted by the uniform rules identified in the Administrative Procedure Act, W.S. 16-3-103(j).

d.  N/A  In consultation with the Attorney General's Office, the Agency's Attorney General representative concurs that strike and underscore is not required as the proposed amendments are pervasive (Section 5 of the Rules on Rules).

e. A copy of the proposed rules\* may be obtained:  
 By contacting the Agency at the physical and/or email address listed in Section 1 above.  
 At the following URL: \_\_\_\_\_

\* If Item "d" above is not checked, the proposed rules shall be in strike and underscore format.

**3. Public Comments and Hearing Information**

a. A public hearing on the proposed rules has been scheduled.  Yes  No

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

b. What is the manner in which interested persons may present their views on the rulemaking action?  
 By submitting written comments to the Agency at the physical and/or email address listed in Section 1 above.  
 At the following URL: \_\_\_\_\_

A public hearing will be held if requested by 25 persons, a government subdivision, or by an association having not less than 25 members. Requests for a public hearing may be submitted:  
 To the Agency at the physical and/or email address listed in Section 1 above.  
 At the following URL: \_\_\_\_\_

c. Any person may urge the Agency not to adopt the rules and request the Agency to state its reasons for overruling the consideration urged against adoption. Requests for an agency response must be made prior to, or within thirty (30) days after adoption, of the rule, addressed to the Agency and Contact Person listed in Section 1 above.

**4. Federal Law Requirements**

a. These rules are created/amended/revoked to comply with federal law or regulatory requirements.  Yes  No

	If "Yes:"	Applicable Federal Law or Regulation Citation:

Indicate one (1):  
 The proposed rules meet, but do not exceed, minimum federal requirements.  
 The proposed rules exceed minimum federal requirements.

Any person wishing to object to the accuracy of any information provided by the Agency under this item should submit their objections prior to final adoption to:  
 To the Agency at the physical and/or email address listed in Section 1 above.  
 At the following URL: \_\_\_\_\_

**5. State Statutory Requirements**

a. Indicate one (1):  
 The proposed rule change *MEETS* minimum substantive statutory requirements.  
 The proposed rule change *EXCEEDS* minimum substantive statutory requirements. Please attach a statement explaining the reason that the rules exceed the requirements.

b. Indicate one (1):  
 The Agency has complied with the requirements of W.S. 9-5-304. A copy of the assessment used to evaluate the proposed rules may be obtained:  
 By contacting the Agency at the physical and/or email address listed in Section 1 above.  
 At the following URL: \_\_\_\_\_  
 Not Applicable.

**6. Authorization**

a. I certify that the foregoing information is correct.

<i>Printed Name of Authorized Individual</i>	
<i>Title of Authorized Individual</i>	
<i>Date of Authorization</i>	

Distribution List:

- Attorney General and LSO: Hard copy of Notice of Intent; Statement of Reasons; clean copy of the rules; and strike-through and underline version of rules (if applicable). Electronic copies (PDFs) of all items noted (in addition to hard copies) may be emailed to LSO at [Criss.Carlson@wyoleg.gov](mailto:Criss.Carlson@wyoleg.gov).
- Secretary of State: Electronic version of Notice of Intent sent to [Rules@wyo.gov](mailto:Rules@wyo.gov).



## Additional Rule Information

Revised May 2014

### 1. General Information

a. Agency/Board Name		
b. Agency/Board Address	c. City	d. Zip Code
e. Name of Contact Person	f. Contact Telephone Number	
g. Contact Email Address		
h. Program		

### 2. Rule Information, Cont.

a. Provide the Chapter Number, Short Title, and Rule Type of Each Chapter being Created/Amended/Repealed

Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
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Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed

If Needed

Rules and Regulations for the Veterans Home  
Intent to Adopt Amended Rule

CHAPTER 1-3

Statement of Reasons

The Wyoming Department of Health proposes to adopt the following Amended Rule pursuant to the provisions of W.S. § 25-9-101 and the Wyoming Administrative Procedure Act at W.S. § 16-3-101 through 115.

The Department and the Aging Division is promulgating these Rules to update these rules as a result of House Bill No. HB0060/enrolled act 0019, which was passed in the 2016 session. The Division has simplified and streamlined these Chapters, reducing both the number and length of rules, to comply with Governor Matthew H. Mead's directive. The Veterans Home Rules have been reduced by two (2) pages, seven hundred sixty-five words (765) or by forty-four percent (44%).

WYOMING DEPARTMENT OF HEALTH  
AGING DIVISION  
VETERANS HOME OF WYOMING

CHAPTER I  
GENERAL PROVISIONS

Section 1. Authority. The State of Wyoming pursuant to Wyo. Stat. Ann. § 25-9-101 shall provide for the care of residents in the Veterans' Home of Wyoming.

Section 2. Purpose. These rules and regulations are adopted to implement the authority of the Veterans' Home of Wyoming, pursuant to Wyo. Stat. Ann. § 25-9-101.

Section 3. Definitions.

(a) "Agency" means the Department of Health.

(b) "Care" means services required for domiciliary or skilled nursing level of care as specified in state and federal regulations.

(c) "Discharge" means release of a resident from the home.

(d) "Home" means the Veterans' Home of Wyoming.

(e) "Institution" means any state facility or institution established by statute, a federal institution or a private facility in the community.

(f) "Medical reasons" means a mental or physical condition which requires care and treatment, not available in a residential facility as the Veterans' Home of Wyoming.

(g) "Resident" means a person admitted to the home.

(h) "Superintendent" means the person appointed by the agency to supervise, administer and manage the home for day-to-day operation.

(i) "Transfer" means release of a resident from the home to another institution.

(j) "Veteran" means a person honorably discharged from the armed forces of the United States.

WYOMING DEPARTMENT OF HEALTH  
AGING DIVISION  
VETERANS HOME OF WYOMING

CHAPTER I  
GENERAL PROVISIONS

Section 1. Authority. The State of Wyoming pursuant to ~~W.S. Wyo. Stat. Ann. § 25-4-106~~ 9-101 shall provide for the care and maintenance of residents in the Veterans' Home of Wyoming.

Section 2. Purpose. These rules and regulations are adopted to implement the authority of the Veterans' Home of Wyoming, pursuant to ~~W.S. Wyo. Stat. Ann. § 25-9-101~~, to provide for the care and treatment of honorably discharged veterans, including their spouses, and disabled members of the state national guard, who are domiciled in Wyoming.

Section 3. Definitions.

(a) "Agency" means the department of health, ~~which is administratively responsible for the Veterans' Home of Wyoming.~~

(b) "~~Care and treatment~~" means those general health care services required for domiciliary or skilled nursing level of care as specified in state and federal regulations. necessary in a residential institution.

(c) "Discharge" means ~~full~~ release of a resident from the home.

(d) "Home" means the Veterans' Home of Wyoming.

(e) "Institution" means any state facility or institution established by statute, a federal institution or a private facility in the community.

(f) "Medical reasons" means a mental or physical condition which requires care and treatment, not available in a residential facility as the Veterans' Home of Wyoming.

(g) "Resident" means a person admitted to the home. ~~as a veteran of the armed forces, a disabled member of the state national guard, a dependent of a veteran or other nonveterans.~~

(h) "Superintendent" means the person appointed by the agency to supervise, administer and manage the home for day-to-day operation.

(i) "Transfer" means ~~full~~ release of a resident from the home to another institution.

(j) "Veteran" means a person honorably discharged from the armed forces of the United States.

WYOMING DEPARTMENT OF HEALTH  
AGING DIVISION  
VETERANS HOME OF WYOMING

CHAPTER 2  
GENERAL OPERATION

Section 1 Administration.

(a) The home is under the direction of the agency and is supervised by the superintendent. All programs and activities within the home shall be consistent with the agency's direction.

(b) Administrative priority is to assure a comfortable and pleasant environment for the residents while effectively operating the home under the direction of the agency.

(c) The home shall work closely with the Veterans' Administration, various community hospitals, and various state and local agencies in providing and coordinating services for residents.

(d) Services provided by the home shall comply with applicable state and federal standards governing the institution and may include the following areas.

(i) Health, rehabilitative, and skilled nursing services;

(ii) Supportive services; and

(iii) Social and recreational activities.

(e) The superintendent shall establish policies and procedures for all services and programs provided at the home. All policies and procedures shall be consistent with applicable state and federal standards governing the operation of the home.

(f) The superintendent shall provide for adequate staffing to assure that all services are consistently provided to residents in the home.

(g) Written records for each resident shall be maintained and made available to the resident

(h) The superintendent shall establish a system for investigating and reporting incidents, accidents or injuries occurring after admission to the home. Written records shall be completed for each occurrence. The system shall also address suspected incidents of resident neglect or abuse. The superintendent shall report any unusual deaths, serious incidents or accidents to the agency immediately.

(i) The superintendent shall establish a resident grievance policy that complies with federal and state requirements.

Section 2. Admission Requirements.

(a) Applicants shall be considered for admission pursuant to Wyo. Stat. Ann. § 25-9-101.

(b) The agency may admit dependents of qualified veterans and non-veterans pursuant to Wyo. Stat. Ann. § 25-9-102.

(c) In all cases veterans and dependents of veterans shall be given preference of admission.

(d) Agency policies for admission of residents shall be in writing and on file at the home.

Section 3. Care of Residents.

The home shall provide domiciliary and skilled nursing services as allowed by Wyo. Stat. Ann. § 25-9-101.

Section 4. Resident Rights. The superintendent and staff shall establish policies and procedures addressing Resident's Rights, including the transfer or discharge of residents, and shall make the policies available to the resident, and/or legal representative and the public.

WYOMING DEPARTMENT OF HEALTH  
AGING DIVISION  
VETERANS HOME OF WYOMING

CHAPTER II 2  
GENERAL OPERATION

Section 1 Administration.

(a) The home is under the direction of the agency and is supervised by the superintendent. All programs and activities within the home shall be consistent with the agency's direction.

(b) Administrative priority is to assure a comfortable and pleasant environment for the residents while effectively operating the home under the direction of the agency.

(c) The home shall work closely with the Veterans' Administration, various community hospitals, and various state and local agencies in providing and coordinating services for residents.

(d) Services provided by the home shall comply with applicable state and federal standards governing ~~the~~ this institution and ~~shall~~ may include the following areas.

(i) ~~Health, and rehabilitative, and skilled nursing services; including nursing and medical care, emergency procedures, administration of medications and therapy;~~

(ii) ~~Supportive services including food service, laundry, housekeeping, sanitation, building and grounds maintenance, and beauty/barber shop services; and~~

(iii) ~~Social and recreational activities, including nondenominational chapel services, and transportation;~~

(iv) ~~Fire and safety program including fire protection, emergency and disaster plan, infection control measures, designation of restricted area and storage procedures; and~~

(v) ~~Quality assurance program for the evaluation and improvement of services.~~

(e) The superintendent shall establish policies and procedures for all services and programs provided at the home. All policies and procedures shall be consistent with applicable state and federal standards governing the operation of the home.

(f) The superintendent shall provide for adequate staffing to assure that all services are consistently provided to residents in the home.

(g) Written records for each resident shall be maintained and made available to the resident

(h) The superintendent shall establish a system for investigating and reporting incidents, accidents or injuries occurring after admission to the home. Written records shall be completed for each occurrence. The system shall also address suspected incidents of resident neglect or abuse. The superintendent shall report any unusual deaths, serious incidents or accidents to the agency immediately.

(i) The superintendent shall establish a resident grievance policy that complies with federal and state requirements. ~~system for investigating and discussing resident grievances~~

~~The agency shall have final authority for any necessary action relating to the grievance.~~

## Section 2. Admission Requirements.

(a) Applicants shall be considered for admission Pursuant to W.S Wyo. Stat. Ann. § 25-9-101, ~~qualifications for admission shall include:~~

~~(i) Inability to earn a living by reason of wounds, disease, old age or other infirmities;~~

~~(ii) No adequate means of support; and~~

~~(iii) Domiciled in this state.~~

(b) The agency may admit dependents of qualified veterans and non-veterans pursuant to Wyo. Stat. Ann. § 25-9-102. ~~if admission is deemed proper.~~

~~Criteria which may be considered by the superintendent in determining qualifications for admission may include:~~

~~(i) Valid in state residence at the time of application;~~

~~(ii) Intent to permanently reside in the state if less than one (1) year residence in the state;~~

~~(iii) Not in transit, or temporary or seasonal residency;~~

~~(iv) Compliance with application procedures;~~

~~(v) Ability to maintain activities of daily living;~~

~~(vi) A preliminary health assessment documenting the health status of the prospective~~

~~resident; and~~

~~(vii) Anevaluation and recommendation by the nursing department after a conference with the prospective resident.~~

~~(e) Pursuant to W.S. § 25-9-102, persons who are not veterans or dependents of veterans may be admitted, if:~~

- ~~(i) Less than ninety percent (90%) of the home's capacity is occupied;~~
- ~~(ii) A veteran or veteran's dependent application is not pending;~~
- ~~(iii) Inability to earn a living;~~
- ~~(iv) No adequate means of support; and~~
- ~~(v) Domiciled in this state.~~

~~(c) In all cases veterans and dependents of veterans shall be given preference of admission. decisions, the agency and superintendent shall give preference to veterans first and their accompanying dependents second.~~

~~(d) The superintendent may initially approve or disapprove an application for admission and shall inform the agency of any actions taken in a timely manner. The agency shall have final authority for approving and disapproving all applications.~~

~~(d) Agency policies for admission of residents shall be in writing and on file at the home.~~

### ~~Section 3. Care and Treatment of Residents.~~

~~(a) The home shall provide any health care services to residents meeting domiciliary and skilled nursing services as allowed by Wyo. Stat. Ann. § 25-9-101. necessary in a residential facility, including emotional, physical, supportive therapeutic or preventative services.~~

~~(b) All medical care shall be under the direction of a licensed physician.~~

~~(c) All information concerning the care and treatment of a resident shall be confidential. The resident shall complete a written consent for releasing any information to persons not otherwise authorized to receive it.~~

~~(d) The nursing and medical staff shall establish a program for the safe acquisition, control, storage, and distribution of all drugs in accordance with professional practices and legal requirements.~~

Section 4. Resident Rights. The superintendent and staff shall establish policies and procedures addressing Resident's Rights, including the transfer or discharge of residents, and shall make the policies available to the resident, and/or legal representative and the public.

### ~~Section 5. Transfer or Discharge of Residents.~~

~~(a) A resident may be voluntarily transferred to another institution or discharged for the home. The resident shall be responsible for all voluntary transfers or discharges. The home shall be responsible for:~~

~~(i) Records, including a transfer summary, to accompany the resident at the time of transfer; and~~

~~(ii) Instructions for care of the resident to be given to the institution receiving the resident.~~

~~(b) A resident may be involuntarily discharged from the home for medical reasons as determined by the nursing and medical staff at the home and approved by the superintendent and agency. If a decision is made to involuntarily discharge a resident, the home shall:~~

~~(i) Comply with applicable agency policies and procedures pertaining to the specific circumstances of the resident situation; the policies shall be made available to the resident, and/or legal representative;~~

~~(ii) Make any necessary arrangements with the full knowledge of the resident; and~~

~~(iii) Inform the resident a petition for review of the involuntary discharge may be filed~~

~~with the agency.~~

~~(a) A resident being transferred to the home from another institution shall be processed according to agency policies and procedures. The nursing and medical staff may conduct a conference to assure that the resident does not have a mental or physical condition requiring care not available at the home.~~

WYOMING DEPARTMENT OF HEALTH  
AGING DIVISION  
VETERANS HOME OF WYOMING

CHAPTER 3-DONATIONS

Section 1. Acceptance of Donations. The superintendent shall acknowledge and document all donations accepted by the agency for the Veterans' Home of Wyoming pursuant to Wyo. Stat. Ann. § 25-9-103.

WYOMING DEPARTMENT OF HEALTH  
AGING DIVISION  
VETERANS HOME OF WYOMING

CHAPTER ~~III~~3-DONATIONS

Section 1. Acceptance of Donations. Pursuant to ~~W.S. § 25-9-103~~, the agency may accept donations of ~~land, money or other property~~. The superintendent shall acknowledge and document all donations accepted by the agency for the Veterans' Home of Wyoming pursuant to ~~W.S.~~ Wyo. Stat. Ann. § 25-9-103.