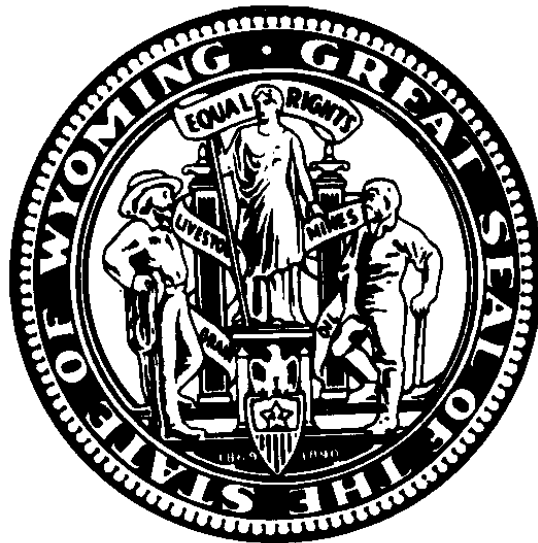


STATE OF WYOMING

BOARD OF NURSING HOME ADMINISTRATORS



RULES AND REGULATIONS

(Promulgated by authority under
W.S. 33-22-101 through W.S. 33-22-110.)

NOVEMBER 12, 1996

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CHAPTER 1

GENERAL

Section 1. Authority. These rules and regulations are promulgated by the Wyoming State Board of Nursing Home Administrators pursuant to its authority under the Act and pursuant to the Wyoming Administrative Procedure Act, W.S. 16-3-101, et seq.

Section 2. Statement of Purpose. These rules and regulations are adopted to implement the authority of the Board to:

(a) Regulate the qualifications and standards of performance of persons licensed as Nursing Home Administrators in Wyoming;

(b) Develop and apply appropriate techniques, including examinations and investigations, for determining whether an individual meets such standards;

(c) Issue licenses to qualified individuals who have met required standards and suspend or revoke licenses previously issued by the Board in any case where the licensee is determined to have failed to conform to the requirements of standards;

(d) Establish and carry out procedures designed to insure that licensees comply with the requirements of such standards;

(e) Receive, investigate and take appropriate action with respect to any charge or complaint filed with the Board to the effect that any licensee has failed to comply with the requirements of standards, the Act or Board rules and regulations; and

(f) Conduct investigations, hearings and proceedings concerning alleged violations and to administer appropriate disciplinary action against licensees for proven violations.

Section 3. Severability. If any provision of these regulations or the application thereof to any person or circumstance is invalid, such invalidity shall not affect other provisions or application of these regulations which can be given effect without the invalid provision or application, and to this end the provisions of these regulations are declared to be severable.

Section 4. Terms Defined by Statute. Terms defined in W.S. 33-9-101 through 33-9-113 shall have the same meaning when used in these regulations unless the context or subject matter clearly requires a different interpretation.

Section 5. Terms Defined Herein. As used in these regulations, the following terms shall have the meanings set forth unless the context or subject matter clearly requires a different interpretation.

(a) "Act" means W.S. 33-22-101 et seq., relating to Nursing Home Administrators.

(b) "Administrator" means a person who is charged with the general administration of a health facility, regardless of whether that person has an ownership interest in the facility or whether the functions and duties are shared with one or more persons.

(c) "Affidavit" means a written notarized statement of facts made voluntarily under oath.

- (d) "Agency" means the State agency or Board responsible for licensing the individual.
- (e) "Board" means the Wyoming Board of Nursing Home Administrators.
- (f) "Designee" means the appointed agent of the Board having all the authority of the Board.
- (g) "Educational equivalency" means educational or experiential options specified in the University of Wyoming Regulation 719 (**see addendum**).
- (h) "Health facility" means a nursing facility or intermediate care facility for the mentally retarded.
- (i) "Nursing facility" means an institution primarily providing residents with skilled nursing care and related services on a continuing basis for residents who require mental, medical, or nursing care, or services for rehabilitation of injured, disabled, or sick persons.
- (j) "Nursing Home Administrator" shall mean a person who operates, manages, supervises, or is in charge of a health facility; a licensee; an Administrator; a respondent.
- (k) "Passing Score" means a scaled score as determined by the testing service for the national exam.
- (l) "Resident" means individual residing in and receiving care in a health facility.

Section 6. Board Meetings.

- (a) The Board shall meet at least once annually to transact its business. One (1) meeting shall be designated as the annual meeting for the purpose of electing officers, establishing dates of board meetings for the coming year and Board reorganization and planning. The Board may meet at other times as deemed necessary to transact its business.
- (b) Notice of Board meetings shall be given to any person who requests notice. The notice shall specify the time and place of the meeting and the business to be transacted.
- (c) All meetings shall be open to the public. The Board may conduct executive sessions in accordance with W.S. 16-4-105.
- (d) A written record shall be kept of all meetings and shall be retained as the permanent record of the transactions of the Board.
- (e) For the purposes of conducting business during a Board meeting, a quorum shall consist of a majority of the voting members.

CHAPTER 2

LICENSURE REQUIREMENTS

Section 1. License Required. No individual shall perform any function specifically authorized for a Nursing Home Administrator nor function as a Nursing Home Administrator nor represent themselves as a Nursing Home Administrator unless licensed by the Board.

Section 2. Education Requirement.

(a) Every applicant for licensure shall have earned a college bachelor's degree.

(b) The requirement for a bachelor's degree does not apply to those individuals who were licensed prior to the effective date of these rules.

Section 3. Administrator in Training Program (AIT).

(a) Every applicant for licensure shall have completed six (6) months of administrator-in-training under the supervision of a Nursing Home Administrator licensed in Wyoming, or another state having equal or equivalent standards.

(b) The requirement for administrator-in-training may be waived by the Board if the candidate has been employed for two (2) or more years as a Nursing Home Administrator or similar facility administrator within the last five (5) years.

Section 4. Examination Requirement.

(a) Every applicant for licensure shall have successfully completed a national written examination with a passing scaled score that is acceptable to the Board.

(i) Applicants failing the examination are entitled to re-examination at the next scheduled administration upon payment of an additional exam fee.

(ii) Only two (2) re-examinations shall be granted to any applicant

(iii) If the applicant fails to appear for a scheduled re-examination, the fee shall be forfeited. The Board may negate forfeiture of the fees for good cause shown.

(b) The Board may designate the time and place for examination to determine the suitability for licensure. The Board shall administer the national examination in accordance with schedules established by the national examination service.

(c) All applicants must certify on a form provided by the Board that they have read, understand and shall abide by the Act and the State of Wyoming Department of Health, Division of Preventive Medicine rules and regulations pertaining to nursing homes.

(d) Applications become void one year after the application form is received by the Board if no action has been taken.

(e) Examination results are considered void two (2) years after the date the examination was taken if the applicant does not become fully licensed.

Section 5. Temporary License. A Temporary License may be granted by the Board:

(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 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.

(e) 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.

Section 6. Endorsement. Each applicant requesting licensure by endorsement shall be individually considered by the Board. Endorsement applications shall be considered if:

(a) The applicant holds a current license in good standing in another jurisdiction;

(b) That jurisdiction has standards or requirements for licensure that are at least equivalent to the Board's; and

(c) Has been employed as a Nursing Home Administrator for at least two (2) of the preceding five (5) years.

CHAPTER 3

APPLICATION PROCESS

Section 1. Application for Licensure by Examination. As proof of satisfaction of the licensure requirements stated in Chapter II, all applicants for licensure by examination shall submit the following documents at least six (6) weeks prior to the next scheduled examination:

- (a) A complete and legible application form, including a full-face photograph, and the proper fee;
- (b) An official college transcript indicating the award of a bachelor's degree; and
- (c) Two (2) letters of recommendation from professional associates which shall:
 - (i) Be on the individual's letterhead and be addressed directly to the Board;
 - (ii) Attest to the applicant's performance in the calendar year immediately preceding the date of application; and
 - (iii) Address the applicant's ability to perform as a Nursing Home Administrator.

Section 2. Application for Licensure by Endorsement. As proof of satisfaction of the licensure requirements stated in Chapter II, all applicants for licensure by endorsement shall submit the following documents:

- (a) A complete and legible application form, including a full-face photograph, and the proper fee; and
- (b) Verification of Licensure form, as supplied by the Board, from each licensed jurisdiction.

Section 3. Notification of Applicants and Right of Appeal. Approval of the initial application should be communicated by the Board in writing to the applicant together with information concerning the national examination. If the initial applicant is denied, the reasons for denial shall be communicated in writing. The applicant shall have the right of reconsideration upon submission of new information and may appear before the Board to demonstrate satisfaction of the licensure requirements.

Section 4. Issuance of License. The Board shall issue to the successful applicant, a license bearing the full name of the licensee, date of issuance, license number and appropriate seal.

- (a) The licensee shall notify the Board if a license is lost, stolen or destroyed.
- (b) Duplicate wall certificates may be issued by the Board. All requests for duplicate certificates shall be in writing and accompanied by the appropriate fee.

Section 5. License Renewal. All licenses issued by the Board expire on December 31 of each year.

- (a) The Board shall mail a renewal application to active licensees at their address of record no later than thirty (30) days before the license expiration date.

(b) In order to avoid paying a late fee license renewal applications with appropriate fee and documentation must be postmarked no later than the expiration date.

(c) Failure to receive notice for renewal of license from the Board shall not excuse a licensee from the requirement for renewal under the Act or this chapter.

Section 6. Failure to Renew.

(a) A licensee who fails to renew the licensure shall have one (1) calendar year from the expiration date to renew the expired license by submitting the application and fee for renewal to the board.

(b) A licensee who fails to renew the licensure by the December 31st expiration date and continues to practice, is unlawfully practicing without a license, subject to the penalties provided for violation(s) of the Wyoming Nursing Home Administrators Act, including W.S. 33-22-110 and shall apply for re-licensure in order to legally practice nursing home administration.

Section 7. Continuing Education. As a condition for renewal, each licensee shall provide evidence of completion of twenty five (25) hours of continuing education every year.

(a) No more than twenty five (25) hours of continuing education hours may be carried over from one year to another.

(b) The continuing education requirement is waived for all licensees during their first year or partial year of licensure.

(c) Continuing education requirements may be fulfilled through in-service, coursework, conference or workshop attendance, presentation, publication or other means as deemed adequate by the Board.

(d) The continuing education shall have significant intellectual or practical content and the primary objective shall be to increase the licensee's competence in nursing home administration. It shall constitute an organized program of learning consisting of matters directly related to nursing home administration.

(e) Each licensee shall submit an affidavit on a form approved by the Board attesting to the number of continuing education hours (Appendix B). The affidavit shall be filed as part of the licensee's renewal.

(f) The licensee shall send to the Board a listing of the continuing education hours on a form approved by the Board (Appendix B). The licensee shall also attach copies of any certificates of attendance, letters certifying attendance, transcripts or any official documents which serve as proof of participation or attendance.

(g) Licensees are responsible for maintaining their own continuing education files. Prior to the license renewal date, the licensee will receive notice to submit copies to the Board for review.

Section 8. Re-Licensure.

(a) A licensee who has failed to renew a license within the renewal period, may apply for re-licensure, and shall meet all criteria required of new applicants for Application by Examination as set forth in Section 1. of this chapter.

CHAPTER 4

FEEES

Section 1. General Information.

(a) The current fee schedule shall appear in the official records of the Board's activities and be kept on file in the Board office.

(b) At the time of application, a copy of the current fee schedule shall be provided to applicants.

(c) Fees shall be paid in the exact amount, by money order or cashier's check and shall be paid in advance of the services rendered. Fees for renewal of licensure may be paid by personal check.

(d) All fees collected by the Board are non-refundable.

Section 2. Fees. Services for which the Board charges a fee shall include but is not limited to the following schedule:

- (a) Application Fee.....\$ 250.00
- (b) Examination Fee.....\$ cost + \$25
- (d) Annual License Renewal Fee.....\$ 300.00
- (e) Temporary License Fee.....\$ 400.00
- (f) Insufficient Funds Check Fee.....\$ 15.00
- (g) License Verification.....\$ 20.00
- (h) Duplicate Certificate.....\$ 15.00

CHAPTER 5

STANDARDS OF PRACTICE

Section 1. Standards relating to the licensed Nursing Home Administrator's responsibility to apply the Administrative process. Nursing Home Administrators shall abide by the National Association of Boards of Examiners for Nursing Home Administrators Standards of Practice and shall:

(a) Develop long and short range objectives in order to assure that facility programs and resident care are maintained and improved;

(b) Interpret the philosophy and goals of the facility in order to provide staff with adequate information to select appropriate objectives to attain the goals;

(c) Set an example of good resident relations and care for staff by demonstrating desired supervisory techniques and resident and family interaction;

(d) Delegate responsibility and authority to appropriate staff in order to carry out the work of the facility;

(e) Evaluate the quality of resident care and the efficiency of services in order to maintain care standards by reviewing the facility's goals, objectives, resident care plans and adherence to management policy and procedures;

(f) Coordinate department activities to assure departments work together toward the achievement of goals and activities by developing an information and communication system;

(g) Communicate with staff to solve problems by the utilization of the appropriate communication techniques such as staff meetings, department head meetings, counseling and coordination of written information;

(h) Prepare an annual budget of the facility in order to appropriately allocate resources to meet the facility's financial and program objectives and to prepare in advance potential cost control and managerial actions which may be required;

(i) Evaluate the implication of budget on quality of care;

(j) Ensure that the facility complies with federal, state and local laws and regulations to meet standards of quality resident care;

(k) Maintain a safe and productive working environment for staff in order to provide quality care through the use of regular inspections, allocation of resources for facility maintenance and construction and periodic evaluations of staff morale and productivity;

(l) Establish and maintain programs which enhance relationships among residents, their families and the facility;

(m) Assure compliance with federal and state regulations as they relate to the facility, staffing and resident care; and

(n) Evaluate staff work procedures and policies to assure compliance with federal and state regulations.

Section 2. Standards relating to the licensed Nursing Home Administrator's responsibility to provide quality resident care. The Nursing Home Administrator shall:

(a) Ensure quality resident care through planning, implementation and evaluation of all nursing services;

(b) Recruit and hire facility staff and provide them with ongoing education in order to assure quality care for the long-term care resident;

(c) Obtain and coordinate consultant services as needed for total care b; matching needs of residents with the services of consultants.

(d) Meet regularly with health care team to assure good care is being delivered;

(e) Recruit (when applicable) a qualified medical director and develop a professional relationship with the medical director that ensures a well planned and implemented medical care program;

(f) Maintain strong relationships with community medical practitioners including attending physicians and physician extenders;

(g) Encourage communication between facility staff and the residents in order to assure a caring environment with appropriate nursing and psychosocial services; and

(h) Develop facility standards for resident care by identifying those factors which affect care, as well as variables within each factor which can be adjusted and evaluated.

Section 3. Standards relating to the licensed Nursing Home Administrator's responsibility to provide for the management of long term care personnel. The Nursing Home Administrator shall:

(a) Coordinate the development, implementation and dissemination of written personnel policies and procedures including job descriptions, employee expectations, employer benefits and performance appraisal processes;

(b) Demonstrate adherence to established personnel policies and procedures;

(c) Establish clear lines of authority and responsibility among the staff in order to assure understanding and the production of quality work;

(d) Recruit and hire departmental supervisors who are qualified to meet the requirements of their position;

(e) Plan, implement and evaluate a training program to facilitate adjustment of employees to the organization and the job through appropriate educational methodology; and

(f) Plan, implement and evaluate a program which shall provide an opportunity for the personal growth and development of employees through a performance evaluation process.

Section 4. Standards relating to the licensed Nursing Home Administrator's responsibility to establish and apply physical resource management/safety plans. The Nursing Home Administrator shall:

- (a) Plan, implement and evaluate a program for maintenance of building, grounds and equipment;
- (b) Plan, implement and evaluate a program of environmental services, which shall provide a clean and attractive home for residents;
- (c) Implement and evaluate a safety plan which shall ensure the health, welfare and safety of residents, staff and visitors; and
- (d) Plan, implement and evaluate employee health, safety and educational programs which minimize the exposure to liability.

CHAPTER 6

HANDLING OF COMPLAINTS AGAINST LICENSEES

Section 1. Receipt of Complaints.

(a) The Board shall receive and process each complaint made against any licensee or unlicensed individual or entity which alleges certain acts or practices which may constitute violations of the Act or rules and regulations.

(i) Any individual may file a complaint with the Board. Any member of the Board who files a complaint shall not participate in the final decision by the Board, but may be utilized to investigate or provide testimony in the matter.

(ii) A malpractice settlement or judgement against an administrator reported to the Board shall be deemed as a complaint.

(b) Complaints may be based upon personal knowledge or upon information and belief, reciting information received from other sources.

(c) All complaints shall state its basis, be submitted in writing and fully identify the complainant by name and address.

(d) Each complaint received shall be acknowledged in writing. The complainant shall be notified of the ultimate disposition of the complaint.

(e) The Board shall initially consider the sufficiency of each complaint to determine if it should be dispensed with informally or if an investigation should be initiated.

Section 2. Investigation of Complaint.

(a) Upon determination by the Board, an investigation may be conducted. The investigator shall be responsible for maintaining confidentiality of details of the investigation. After investigation the investigator may:

(i) Forward a formal complaint, with the assistance of the attorney general, to the Board for formal disciplinary proceedings as in a contested case under the Wyoming Administrative Procedure Act;

(ii) Recommend informal action by the Board addressing the allegations in the complaint;

or

(iii) Close the investigation and recommend that the Board dismiss the complaint.

(b) A member of the Board may act as investigator of any complaint.

CHAPTER 7

REVOCATION, SUSPENSION, REFUSAL AND PURSUING PROSECUTION FOR VIOLATIONS

Section 1. Grounds. The Board may revoke, suspend, refuse to issue or renew or place conditions upon a license based upon the following:

- (a) Conviction of a felony or misdemeanor involving moral turpitude, in which case a certified copy of conviction shall be conclusive evidence.
- (b) Soliciting residents by any form of false, deceptive or misleading communication including advertisements.
- (c) Unprofessional or unethical conduct.
- (d) Gross incompetence or malpractice.
- (e) Knowingly submitting false information to the Board.
- (f) Mental or physical incompetency as to render the licensee unable to perform with reasonable skill and safety.
- (g) Incompetent or negligent practice.
- (h) Intemperate use of alcohol or controlled substances.
- (i) Violation of the Wyoming Controlled Substances Act.
- (j) Violation of the Act or Board rules and regulations.
- (k) Violation of any state or federal law relating to operation or licensing of nursing homes or other health care facility.
- (l) Fraud, deceit or misrepresentation in the capacity of a Nursing Home Administrator.
- (m) Practice without a current license issued by the Board.
- (n) Transfer or surrender possession of a license to any other person.
- (o) Failing to exercise regard for the safety, health or life of a resident or acting in a manner inconsistent with the health or safety of a resident.
- (p) Discrimination of residents, employees or staff on the basis of race, religion, color, national origin or handicap.
- (q) Exploitation of a resident to continue in the health facility or nursing facility where the licensee is administrator.
- (r) Delegating responsibilities to a person who is not qualified by training, experience or license.

Section 2. Emergency Suspension of License. The Board may summarily suspend a license if it deems that the public health, safety or welfare imperatively requires emergency action. The Board shall notify licensee of the grounds for suspension immediately and shall afford a hearing in the matter with reasonable expediency.

Section 3. Notation upon License. Upon disciplinary action being taken against a licensee, the disposition of the license shall be noted and dated upon the license.

CHAPTER 8

HEARINGS RELATIVE TO SUSPENSION OR REVOCATION

Section 1. Purpose. These rules are established to provide a fair and efficient method for administrative hearings relative to disciplinary disposition of licenses by the Board. These procedures may also be utilized when a formal hearing is necessary for other purposes.

(a) If a hearing is sought by the Board as petitioner, the respondent shall be accorded the rights of a licensee as set forth in this chapter.

(b) When any party requests and is granted a hearing, the party shall be accorded the rights of a licensee as set forth in this chapter.

(c) The hearing procedures shall not prevent informal hearings or dispositions whenever possible and proper.

Section 2. Need for Hearing. No disciplinary disposition shall be taken against a licensee without a right to a hearing before the Board except as otherwise provided by the Act or Board rules and regulations. All hearings shall be handled in accordance with the Wyoming Administrative Procedure Act.

Section 3. Calling a Hearing. Hearings to consider the disciplinary disposition of a license shall be called by the Board Chair or by the Vice Chair.

Section 4. Commencement of Action.

(a) A contested case shall be commenced upon the filing of a formal complaint with the assistance of the attorney general. It shall be filed with the Board and shall set forth:

(i) The name and address of each licensee;

(ii) The legal authority under which the hearing is to be held; and

(iii) A statement, in ordinary and concise language, of the facts upon which the complaint is based, including, when applicable, particular reference to the Act and Board rules, regulations or orders that have allegedly been violated.

(b) The Board shall issue a Notice of Hearing which shall set forth the time, place and nature of the hearing. Hearings shall be conducted at a location determined by the Board.

(c) The notice and complaint shall be served either personally or by mail at least twenty (20) days prior to the date set for hearing. If mailed Notice shall be sent by certified or registered mail with return receipt thereof to the last known address of licensee.

(d) At any time prior to the date set for hearing, the formal complaint may be amended.

Section 5. Answer of Appearance. The licensee shall file an answer or notice of appearance, which shall be received by the Board at least three (3) working days prior to the date set for the hearing.

Section 6. Default in Answering or Appearing. In the event of the failure of any licensee to answer or otherwise appear within the time allowed, a default may be entered and the allegations as set forth in the notice and complaint shall be taken as true and an Order of the Board entered accordingly.

Section 7. Hearing Officer. The Board may designate an attorney from the Attorney General's office or hire outside counsel to conduct the hearing.

(a) The licensee may move to disqualify a hearing officer by filing a written motion and supporting affidavits of personal bias with the Board. After consideration of the evidence presented, the Board shall rule upon the motion.

(b) The hearing officer may withdraw because of personal bias or other substantial reason.

Section 8. Authority of Hearing Officer. The hearing officer or the President of the Board, if there is no hearing officer, has the authority to:

(a) Administer oaths and affirmations;

(b) Issue subpoenas;

(c) Rule upon offers of proof and receive relevant evidence;

(d) Take or cause depositions to be taken;

(e) Regulate the course of the hearing;

(f) Hold conferences for the settlement or simplification of the issues;

(g) Dispose of procedural requests and similar matters;

(h) Make recommended decisions to the Board; and

(i) Take any action authorized by the Act, Board rules and regulations or the Administrative Procedure Act.

Section 9. Counsel. All parties may be represented at the hearing by an attorney.

Section 10. Inspection of File. Each party shall be permitted to inspect and copy, at their own expense at the offices of the Board, all documents filed in the license matter permitted by law to be inspected and copied.

Section 11. Record of Proceedings. The hearing shall be reported verbatim, stenographically or by any other appropriate means determined by the Board or hearing officer. The party desiring a transcript of the hearing shall bear the cost thereof.

Section 12. Order of Procedure at Hearing. Hearings will be conducted substantially as follows:

(a) The Board or hearing officer shall announce that the hearing is convened upon the call of the docket number and title of the matter and case to be heard, and thereupon the Board or hearing officer shall incorporate all pleadings into the record together with the appearance by the licensee and shall note for the record all subpoenas issued and all appearances of record.

- (b) The hearing officer or President shall take up any preliminary motions or matters to be discussed;
- (c) All witnesses shall be administered a proper oath.
- (d) Witnesses may be sequestered during the hearing.
- (e) The Board's attorney may present a brief opening statement of the charges, explain the theory of the case and what the evidence will show;
- (f) The licensee or attorney may present any opening statement in the same manner;
- (g) The Board's attorney shall then present the evidence of the Board, subject to cross examination by the licensee or attorney, the hearing officer and Board;
- (h) The licensee or attorney shall present their evidence, subject to cross examination by the Board's attorney, the hearing officer and Board;
- (i) Closing statements may be made at the conclusion of the evidence by both parties. These statements may include summaries of the evidence and legal arguments. The Board's attorney will precede the licensee and may also briefly rebut the licensee's closing statement;
- (j) The hearing officer or President may ask for proposed findings of fact and conclusions of law from both parties, to be submitted within a reasonable time; and
- (k) After all proceedings have been concluded, the hearing officer or President shall dismiss and excuse all witnesses not already excused and declare the hearing closed.

Section 13. Applicable Rules of Civil Procedure to Apply. The Wyoming Rules of Civil Procedure insofar as they may be applicable and not inconsistent with the matters before the Board and applicable to the rules, regulations and orders promulgated by the Board shall apply.

Section 14. Decision of Board.

- (a) Within a reasonable period of time after the hearing or after the deadline for receipt of proposed findings of fact and conclusions of law, the hearing officer shall prepare proposed findings of fact and conclusions of law for submittal to the Board.
- (b) Within a reasonable period of time after the hearing, or after submittal of proposed findings of fact and conclusions of law from the hearing officer, the Board shall enter a decision and final order.
- (c) The licensee shall be promptly notified by mail of the final decision.
- (d) The decision is final and shall be enforceable upon entry.

Section 15. Appeals to District Court.

- (a) Any licensee or party aggrieved or adversely affected by a final decision of the Board after a hearing is entitled to judicial review in accordance with the Wyoming Rules of Appellate Procedure, Rule 12 and the Wyoming Administrative Procedure Act.
- (b) An appeal of the board's decision shall not stay the enforcement of that decision.

CHAPTER 9
REINSTATEMENT OF LICENSE AFTER SUSPENSION
OR REVOCATION

Section 1. Reinstatement After Disciplinary Action. A licensee whose license has been suspended may petition the Board for reinstatement of the license thirty (30) days before the end of the suspension period.

Section 2. Procedures for Reinstatement.

(a) A petition for reinstatement shall be accompanied by at least two (2) verified recommendations from licensed Nursing Home Administrators and by at least two (2) recommendations from individuals each having personal knowledge of the activities of the licensee since the disciplinary action was imposed.

(b) A petition for reinstatement shall be considered at the next Board meeting but not within thirty (30) days after the petition was filed.

(c) Any petition for reinstatement of a license shall be acted upon by the Board within one hundred and eighty (180) days after the filing of a proper petition and the accompanying documents.

(d) If a formal hearing is held on the petition, at least thirty (30) days notice shall be given by sending a notice of hearing by certified or registered mail to the last known address indicated in the records of the Board. Notice may also be given by personal service.

(e) The hearing procedure shall be conducted in accordance with Chapter VIII of these rules and the Wyoming Administrative Procedure Act.

Section 3. License Renewal Fees. A licensee whose license is reinstated shall pay the renewal fee for the year in which the license is reinstated.

CHAPTER 10

INFORMATION PRACTICES

Section 1. Disclosure.

(a) The personal information compiled by the Board concerning each licensee or prospective licensee is confidential and shall be released only to the person to whom the record pertains, to others upon notarized written consent or upon court order.

(b) Disclosure of confidential records and public records shall also be governed by W.S. 16-4-201 et seq., pertaining to public records.

Section 2. Access.

(a) Any licensee, prospective licensee or others with the licensee's notarized written consent may personally inspect the contents of a respective Board's file except for personal recommendations, and unofficial complaints.

(b) Record inspection shall take place under the following conditions:

(i) An appointment shall be made to review the file during regular business hours at the offices of the Board;

(ii) In the presence of a Board member or a representative of its administrative staff; and

(iii) Original documents shall remain with the Board but may be copied at the Board office for a reasonable fee.

Section 3. Correction and Amendment. Any licensee or prospective licensee may clarify erroneous, inaccurate or misleading information in their file by submitting a written statement to the Board which shall be placed in the file.

Section 4. Change of Name and/or Address.

(a) A licensee shall notify the Board in writing of any change in legal name within thirty (30) days.

(b) A licensee shall notify the Board of any change of home or professional mailing addresses and telephone numbers within thirty (30) days.

Section 5. Verification of Licensure to Another Jurisdiction. Upon receipt of a written request for verification of licensure and the required fee, the Board shall provide the information to the jurisdiction specified by the licensee.

Section 6. Requests for Roster of Licensees.

(a) The roster shall be made available to state agencies and licensees upon request, free of charge.

(b) Any other entity may obtain a roster in the following manner:

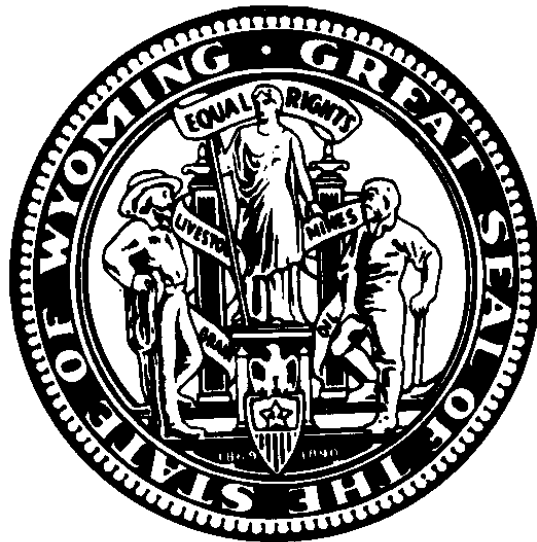
(i) A money order or cashiers check in the amount of \$100.00 shall accompany a written request for a printed copy; or

(ii) A money order or cashiers check in the amount of \$200.00 and a standard personal computer diskette must accompany a written request for an electronic copy of the roster. The data will be presented in the software format currently used by the Board.

APPENDIX A

STATE OF WYOMING

BOARD OF NURSING HOME ADMINISTRATORS



W.S. 33-22-101 THROUGH 33-22-110

33-22-101. Definitions.

(a) For the purposes of this act [33-22-101 through 33-22-110] and as used herein:

(i) The term "board" means the Wyoming state board of nursing home administrators hereinafter created;

(ii) The term "nursing home administrator" means a person who operates, manages, supervises, or is in charge of a nursing home.

33-22-102. Board of nursing home administrators created; composition; appointment; removal; qualifications and terms of members.

(a) The Wyoming state board of nursing home administrators is created to consist of five (5) members appointed by the governor. The director of the department of health, or his designee, who is a member of a health profession concerned with the care of the chronically ill or aged patient, shall serve as an ex officio member of the board but shall not vote. The governor may remove any member he appoints as provided in W.S. 9-1-202.

(b) One (1) appointee shall hold the degree of doctor of medicine and be licensed to practice medicine in Wyoming. One (1) appointee shall be a registered nurse duly licensed to practice professional nursing in Wyoming, who is not employed by a nursing home. One (1) appointee shall be a consumer representative selected from the general public. The remaining two (2) appointees shall each be an operator-administrator of a nursing home within Wyoming, and have two (2) years' experience as a nursing home operator-administrator within Wyoming.

(c) The terms of all appointed members shall be four (4) years. Any vacancy shall be filled by the governor for the unexpired term. No more than three (3) members of this board shall be from the same political party.

33-22-103. License; issuance; qualifications; waiver of additional qualifications. The board shall have authority to issue licenses to qualified persons as nursing home administrators. No license shall be issued to a person as a nursing home administrator unless he shall have submitted evidence satisfactory to the board of his ability to supervise a nursing home. Provided, that persons meeting the qualifications, who have heretofore been acknowledged by the state department of public health as administrators of nursing homes pursuant to W.S. 35-2-101 through 35-2-112, and who hold such acknowledgment on the effective date of this act, but who cannot meet any additional qualifications established by the board, may, subject to such conditions and requirements as may be prescribed by the board, be granted a waiver by the board of such qualifications for a period of two (2) years after the effective date of this act.

33-22-104. License; annual fee; expiration. Each person licensed as a nursing home administrator shall be required to pay an annual license fee in an amount to be fixed by the board pursuant to W.S. 33-1-201. Each such license shall expire on the 31st day of December following issuance, and shall be renewable for a calendar year, upon payment of the annual license fee.

33-22-105. Disposition of fees; board of nursing home administrators' account. All fees shall be received and collected as provided by law. The state treasurer shall keep the same in an account within the earmarked revenue fund, which may be used and expended by the board to pay the compensation and travel expenses of members and employees of the board, and other expenses necessary for the board to administer and carry out the provisions of this act.

33-22-106. Officers of board; rules and regulations; compensation of board; necessary personnel. The board shall elect from its membership a chairman, vice-chairman and secretary-treasurer, and shall adopt rules and regulations to govern its proceedings. This board will serve without compensation except for travel and per diem at the usual rate of other state officials. The board may employ and fix the compensation and duties of necessary personnel to assist it in the performance of its duties.

33-22-107. Determining qualifications of administrator; examinations; holder of license deemed qualified. The board shall have sole and exclusive authority to determine the qualifications, skill and fitness of any person to serve as an administrator of a nursing home or similar institution. The board may give examinations and shall determine the subjects of examination for applicants for licensure as nursing home administrators, and the scope, content and format of such examinations which in any examination shall be the same for all candidates; provided, however, that such examinations shall include examination of the applicant to demonstrate his proficiency in the rules and regulations of health and safety. The holder of a license under the provisions of this act [33-22-101 to 33-22-110] shall be deemed qualified to serve as the administrator of a nursing home.

33-22-108. Powers and duties of board.

(a) The board shall:

(i) Develop, impose and enforce standards which must be met by individuals in order to receive a license as a nursing home administrator, which standards shall be designed to insure that nursing home administrators will be individuals who are of good character and are otherwise suitable, and who, by training or experience, in the field of institutional administration, are qualified to serve as nursing home administrators;

(ii) Develop and apply appropriate techniques, including examinations and investigations, for determining whether an individual meets such standards;

(iii) Issue licenses to individuals determined, after application of such techniques, to meet such standards, and revoke or suspend licenses previously issued by the board in any case where the individual holding such license is determined substantially to have failed to conform to the requirements of such standards, subject to the provisions of the Wyoming Administrative Procedure Act [16-3-101 through 16-3-115];

(iv) Conduct a continuing study and investigation of nursing homes and administrators of nursing homes within the state with a view to the improvement of the standards imposed for the licensing of such administrators and of procedures and methods for the enforcement of standards with respect to administrators of nursing homes who have been licensed as such;

(v) Establish and carry out procedures designed to insure that individuals licensed as nursing home administrators will, during any period that they serve as such, comply with the requirements of such standards; and

(vi) Receive, investigate, and take appropriate action with respect to, any charge or complaint filed with the board to the effect that any individual licensed as a nursing home administrator has failed to comply with the requirements of such standards.

33-22-109. Rules and regulations. The board shall have the authority to make such rules and regulations not inconsistent with law as may be necessary for the proper performance of its duties, and to take such other action as may be necessary to enable the state to meet the requirements set forth in section

1908 of the Social Security Act, the federal rules and regulations promulgated thereunder, and other pertinent federal authority.

33-22-110. Misdemeanor. It shall be unlawful and a misdemeanor for any person to act or serve in the capacity of a nursing home administrator unless he is the holder of a license as a nursing home administrator, issued in accordance with the provisions of this act [33-22-101 through 33-22-110].

WYOMING BOARD OF NURSING HOME ADMINISTRATORS

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**CONTINUING EDUCATION AFFIDAVIT
AND DOCUMENTATION OF ATTENDANCE**

Please provide information for each activity for which you are submitting for review for contact hours. Type or print neatly. Illegible forms cannot be processed. All activities to be reviewed must be itemized below. Please photocopy this page if additional space is needed. Documentation of attendance for each course must be attached to this page. The Board will accept photocopies of attendance documentation. Original documents will not be returned.

DATES	PRESENTER	COURSE/ACTIVITY	PROGRAM SPONSOR	CONTACT HOURS

TOTAL HOURS _____

This is to certify that the above and attached information is accurate and represents my continuing education activities for my current license renewal period, which have not been previously approved.

SIGNATURE OF LICENSEE _____ DATE _____

Approved by:

SIGNATURE OF BOARD DATE