

SENATE FILE NO. SF0135

Assisted living facilities-regulations.

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

A BILL

for

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

7

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

9

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

11

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

13

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

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

3
4 (b) The regulations governing assisted living
5 facilities shall be modified to provide that:

6
7 (i) Services provided by an assisted living
8 facility may include the following care provided that the
9 care is within the professional scope of practice of the
10 person providing it or is care that an able and willing
11 family member could provide at home with ad hoc training,
12 periodic inspection and appropriate follow up by a health
13 care professional:

14
15 (A) Care of open skin lesions, including
16 post operative wounds with complications and decubitus
17 ulcers. Care may include necessary maintenance or changing
18 of sterile or special dressings;

19
20 (B) Changing of catheter or ostomy
21 collection bags;

22
23 (C) Catheter or ostomy care, including
24 changing of tubing or irrigation of ostomy;

1

2

3

(D) Care of residents with partial or complete bowel or bladder incontinency;

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

(E) Care of residents on continuous oxygen supplementation even if the resident is unable to determine if the oxygen is on or off and is unable to adjust the flow or turn the oxygen on, provided the lack of continuous monitoring does not constitute a significant threat to the patient.

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

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

1 (iv) If the facility has a contract with a
2 registered dietitian, it shall not be required to have a
3 certified dietary manager.

4
5 **Section 2.**

6
7 (a) The department of health shall conduct a review
8 of regulations governing assisted living facilities and
9 modify them as necessary to achieve the following
10 objectives:

11
12 (i) An assisted living facility should have the
13 ability to provide residents with assistance in performing
14 the tasks of daily living and provide care that an able and
15 willing family member would be able to perform in the home
16 with ad hoc training from an appropriate professional and
17 with appropriate periodic inspection and follow up;

18
19 (ii) It is in the interest of the people and the
20 state of Wyoming for residents of assisted living
21 facilities to be able to remain in those facilities as long
22 as possible before transferring to a more restrictive and
23 more expensive skilled nursing facility only when
24 necessary.

1

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

7

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

14

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

20

21 **Section 3.**

22

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

24

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

5

6

(END)