

Wyoming State Board of Nursing Home Administrators

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Joint Labor, Health & Social Services Committee
200 West 24th Street
Cheyenne, WY 82002

Chairmen Baldwin and Zwonitzer,

The Wyoming Board of Nursing Home Administrators (Board), in partnership with Leading Age Wyoming, respectfully request your consideration of the following amendments to the Board's Practice Act.

During the Board's most recent attempt at amending their rules which currently include a temporary license method, the Board was informed by their assigned Attorney General's Office representative that their Practice Act does not provide the Board authority to issue temporary permits.

The Board by rule has issued temporary licenses in the past and acknowledges the importance of maintaining the ability to do so.

Please do not hesitate to contact me at emily.cronbaugh@wyo.gov or 307-777-6529 if I may be of assistance.

On behalf of the Board of Nursing Home Administrators,



Emily Cronbaugh
Executive Director



CHAPTER 22 - NURSING HOME ADMINISTRATORS

33-22-101. Definitions.

- (a) For the purposes of this act 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 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 and shall each maintain employment as 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.

33-22-103. License; issuance; qualifications; waiver of additional qualifications.

The board shall have authority to issue licenses and temporary permits to qualified persons as nursing home administrators. No license or temporary permit 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. For purposes of carrying out this section, fingerprints and other information necessary for a criminal history record background check under W.S. 7-19-201 shall be provided to the board.

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 thirty-first day of December following issuance, and shall be renewable for a calendar year, upon payment of the annual license fee. Application for renewal shall be

accompanied by evidence satisfactory to the board of completion of continuing education requirements as established by rule of the board.

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 a separate account, 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, vicechairman and secretary-treasurer, and shall adopt rules and regulations to govern its proceedings. This board will serve without compensation except for the receipt of per diem and mileage as provided in W.S. 33-1-302(a)(vii). 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 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 have backgrounds that do not evidence conduct adverse to the practice of nursing home administration or to the ability to practice nursing home administration 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 and temporary permits to individuals determined, after application of such techniques, to meet such standards, and revoke or suspend licenses and temporary permits 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;

(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;

(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; and

(vii) Upon receipt from the department of family services of a certified copy of an order from a court to withhold, suspend or otherwise restrict a license issued by the board, notify the party named in the court order of the withholding, suspension or restriction of the license in accordance with the terms of the court order. No appeal under the Wyoming Administrative Procedure Act shall be allowed for a license withheld, suspended or restricted under this paragraph.

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.

33-22-111. Temporary Permits.

(a) The Board may issue a temporary permit to an applicant who has provided all required information for licensure and who is awaiting the results of their criminal history record

background check under W.S. 7-19- 201. This temporary permit shall expire ninety (90) days from the date of issuance or upon receipt of the criminal history record information.

(b) The Board may issue a temporary permit to an applicant who currently serves in a managerial role in a skilled nursing facility or hospital system where emergency coverage is required. The temporary permit shall not exceed six (6) months and shall not be renewed.

(c) The Board may issue a temporary permit to an applicant pending completion of the experience and examination requirements established by rule of the board. The temporary permit shall not exceed six (6) months. No more than two (2) temporary permits shall be granted to the same applicant.