Health, Department of

Wyoming Home Services

Chapter 1: Wyoming Home Services (previously Community Based In-Home Services)

Effective Date: 03/17/2025 to Current

Rule Type: Current Rules & Regulations

Reference Number: 048.0070.1.03172025

CHAPTER 1

WYOMING HOME SERVICES

Section 1. Authority. These rules are promulgated by the Wyoming Department of Health, Aging Division, pursuant to Wyo. Stat. Ann. § 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; and

(e) Medication Set Up

Section 4. Interpretive Notices. The Division may issue manuals, bulletins, notices, or letters 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 letters shall be subordinate to W.S. § 9-2-1208 and these rules.

Section 5. Definitions.

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

(b) "At-risk" means 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.

(c) "Care Coordination" means a set of logical steps and processes of interaction within a service network that assure that a client receives needed services in a supportive, cost-effective manner.

(d) “Central Registry” means the registry maintained by the Wyoming Department of Family Services pursuant to W.S. § 14-3-213 and W.S. § 35-20-115.

(e) “Certified Nursing Assistant (CNA)” means a person who is currently certified as a Certified Nursing Assistant by the Wyoming State Board of Nursing.

(f) “Chore” services that may include snow removal, yard maintenance, deep cleaning of household appliances or other services per the discretion of the Grantee.

(g) “Client” means an At-risk adult who is the recipient of Wyoming Home Services.

(h) “Division” means Aging Division.

(i) “Grantee” means an organization that provides services outlined in an approved grant funded by the Division.

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

(k) “Home Modifications” means 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” means the level of services a Client may need such as in home, intermediate, or institutional.

(m) “Personal Care” means activities which includes, but is not limited to, bathing, grooming, feeding, ambulating, exercising, oral hygiene, and skin care.

(n) “Personal Emergency Response System (PERS)” means a Grantee provided electronic device worn by the Client to summon emergency help.

(o) “Service Plan” means 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.

(p) “Sliding Fee Scale” means a formula, created by the Division, to determine a Client’s ability to pay for services rendered.

(q) “Wyoming Home Services” means a Program provided to Wyoming residents per W.S. § 9-2-1208.

Section 6. Eligibility. To be eligible for Wyoming Home Services, Clients must be an At-risk adult, be at least 18 years of age; Be determined through an ongoing assessment to be facing the possibility of premature institutionalization; Meet but not exceed the Level of Care

available by the participating provider, and; Reside within the State of Wyoming.

Section 7. Funding. Funding will be disbursed statewide through contracts with the Division based on a funding formula developed by the Division. Program income received must be utilized as part of the Grantee's program budget.

Section 8. Client Fees. Clients will be assessed using the Department approved Income Verification and Sliding Fee Scale Form. Based on the results of this Form the clients will be asked to pay a percentage of the cost of their care. This contribution will be considered program income. The Department's Income Verification and Sliding Fee Scale Form can be obtained by calling (307)-777-7995.

(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) The service provider may choose to reduce services or place a client on the waiting list if the client is unable to contribute to the cost of services as determined by the Sliding Fee Scale.

Section 9. Cost Sharing. The Access Care Coordinator (ACC) must document all information needed to establish eligibility on the Division's approved form.

(a) The Grantee may not determine a Client to be ineligible for services due to the participant's income, assets and other resources.

(b) The Grantee may determine that due to limited resources to focus providing services to Clients in the greatest economic and social need.

(c) If the Grantee is unable to provide immediate services to a Client, the Grantee may place that Client on a waiting list. While on the waiting list, the Grantee will make referrals to other service providers and/or services, provide services under a private pay program if applicable and/or promote additional resources.

Section 10. 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 At-risk 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 11. Staff Development.

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

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

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

(B) Emergency procedures;

(C) Client rights and responsibilities;

(D) Grantee rights and responsibilities;

(E) Abuse reporting procedures;

(F) Communication;

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

(H) 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 12. 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 13. 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 14. 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 15. 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 16. 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 services to be done;

(B) The frequency of the services;

(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 17. 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;

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

(B) 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 confidentiality maintained, should the change in record custody be necessary.

Section 18. 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 19. 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 20. Capitation. Each Wyoming Home Services Program Grantee shall develop cost caps for fiscal control.

Section 21. Program Transfer.

(a) 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;

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

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

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

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

(v) The date of transfer.

(b) 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 22. Quality Assurance. Quality assurance assessments for Wyoming Home Services will be implemented in a format which has been approved by the Division.

Section 23. Insurance and Bonding. The Grantee shall assure that all Access Care Coordinators, Homemakers, CNAs and Nurses are covered by liability insurance and bonding.

Section 24. 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 25. 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.