

## Information in State statutes and regulations relevant to the National Background Check Program: Wyoming

This document describes what was included as of February 2011 in Wyoming statutes and regulations relevant to the Centers for Medicare & Medicaid Services' National Background Check Program. Wyoming has 11 relevant statutes and regulations, all of which were used in gathering information for this document, and which are listed below in the State Statutes and Regulations section.

<b>Key Feature</b>	<b>Description</b>
Specific facility and provider types	The State covers two of the long term care (LTC) facility and provider types named in the Patient Protection and Affordable Care Act of 2010 (Affordable Care Act), namely: adult day care providers and residential care providers.
Registry checks	Statutes and regulations indicate that the State conducts a State-based search of abuse and neglect registries.
Fingerprinting	Not addressed.
Rap back	Not addressed.
Provisional employment	Not addressed.
Definition of direct patient access employee	Wyoming does not define direct patient access employee. There are no background check requirements in Wyoming, so the decision to conduct a background check is left to the provider or facility.
Provision of criminal background check results to employee	Not addressed.
Expiration of criminal history background check results	Not addressed.

Key Feature	Description
<p>Inclusion of disqualifying crimes specified in section 6201 of the Affordable Care Act:</p> <ol style="list-style-type: none"> <li>1. Medicare/Medicaid program-related crimes (42 U.S.C § 1320a-7(a)(1))</li> <li>2. Convictions related to patient abuse/neglect (42 U.S.C § 1320a-7(a)(2))</li> <li>3. Felony convictions related to health care fraud (42 U.S.C § 1320a-7(a)(3))</li> <li>4. Certain felony convictions related to controlled substances (42 U.S.C § 1320a-7(a)(4))</li> </ol>	<ol style="list-style-type: none"> <li>1. Not addressed.</li> <li>2. Not addressed.</li> <li>3. Not addressed.</li> <li>4. Not addressed.</li> </ol>
<p>State-identified convictions</p>	<p>Wyoming only specifies that disqualifying convictions for adult day care staff include convictions for a felony or a misdemeanor related to abuse, neglect, exploitation, or abandonment of adults or children.</p>
<p>Opportunity to contest accuracy of background check findings</p>	<p>Not addressed.</p>
<p>Ability to remove hiring prohibition based on rehabilitation factors</p>	<p>Not addressed.</p>
<p>Rehabilitation/mitigation process for negative fitness determinations</p>	<p>Not addressed.</p>
<p>Independence of appeal or review process</p>	<p>Not clear.</p>

## State Statutes and Regulations

Citation	Description
Wyoming Statutes (W.S.) § 35-20-115	This is about the central registry of adult protection cases. The registry includes reports of convictions of, guilty pleas to, and no contest pleas to crimes that include the abuse, neglect, exploitation, intimidation, or abandonment of any vulnerable adult.
W.S. § 35-20-116	This is about the use of the central registry for screening prospective employees and volunteers.
W.S. § 7-19-201	This is about the persons who must submit to fingerprinting for State and national criminal history record checks. These persons include some licensed health care professionals and State employees; employees of privately operated licensed LTC facilities are not included.
W.S. §§ 7-19-101 through 7-19-603	These are about criminal history records.
W.S. § 7-13-1501	This has to do with expungement of misdemeanor convictions (for simple assault only).
Wyoming Department of Health Regulations, Chapter 12, § 6(c)	This is about the minimum requirements for all staff of assisted living facilities of completing a Wyoming Division of Criminal Investigation fingerprint-based background check and a central registry screening before having direct resident contact.
Wyoming Department of Health Regulations, Chapter 7, § 9(a)(i)(A)	This regulation prohibits the employment of an individual as an adult day care staff member if he or she has been convicted of a felony or a misdemeanor related to abuse, neglect, exploitation, or abandonment of adults or children.
Wyoming Department of Health Regulations, Chapter 9, § 5(a)(ii)	This indicates that home health agencies must have verification of a central registry check on every employee.
Wyoming Department of Health Regulations, Chapter 8, § 5(a)(vi)	This indicates that boarding home managers must have verification of central registry checks on themselves and all employees.
Wyoming Department of Health Regulations, Chapter 10, § 5(a)(ii)	This indicates that hospice providers must have verification of central registry checks of all employees.
Wyoming Department of Family Services Regulations	These are regulations regarding the Central Registry for Child & Disabled Adult Protection.

### Key

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