

**RULES AND REGULATIONS
FOR LICENSURE OF FREESTANDING DIAGNOSTIC TESTING CENTERS**

CHAPTER 8

Section 1. Authority. These rules are promulgated by the Department of Health pursuant to the Health Facilities Licensure Act at W. S. 35-2-901 et seq. and the Wyoming Administrative Procedures Act at W. S. 16-3-101 et seq.

Section 2. Purpose. These rules have been adopted for the licensure of Mobile, Transportable or Relocatable Freestanding Diagnostic Testing Centers. The standards adopted in these rules shall not duplicate existing federal regulations, state statutes, or rules adopted by other State of Wyoming Agencies.

Section 3. Severability. If any portion of these rules are found invalid or unenforceable, the remainder shall continue in effect.

Section 4. Exceptions. The licensing or registration of radioactive material, the control of radiation, the disposal of radioactive material, and the licensing of persons who apply ionizing radiation or radiopharmaceutical agents to humans for diagnostic or therapeutic purposes are not within the purview of these rules.

(a) The Wyoming Workers Safety shall be contacted for information related to employee protection from ionizing radiation or disposal of waste radioactive material.

(b) The applicable State of Wyoming Licensing Board, such as: the Board of Medicine, the Board of Nursing, and the Board of Radiologic Technologist Examiners shall be contacted for criteria on the licensure of persons who apply ionizing radiation or radiopharmaceutical agents.

(c) Freestanding Diagnostic Testing Centers which provide services to four or more individuals simultaneously, shall meet the standards set forth in the Wyoming Department of Health's Chapter III Construction Rules for Health Facilities.

Section 5. Exemptions. Freestanding Diagnostic Testing Centers which are physically located in the private offices of State of Wyoming licensed health care practitioners or are included in the State of Wyoming licensure of an existing health care facility are exempt from these rules.

Section 6. Definitions.

“Acceptable Plan of Correction” means Wyoming Department of Health, Office of Health Quality, Planning and Program Evaluation (Office of Health Quality) approved the plan to correct the deficiencies identified during a survey. The plan of correction shall be a written document and must contain:

- (i) Who is responsible for the correction,
- (ii) What was done to correct the problem,
- (iii) Who will monitor to ensure the situation does not develop again, and
- (iv) The correction of each deficiency shall not exceed sixty (60) days from the last day of the survey.

(b) “Diagnostic Testing Services” means the use of any diagnostic procedure device, by a State of Wyoming licensed practitioner or radiologic technologist, such as: fluoroscopy, radiography, mammography, tomography, computerized tomography scanning, ultrasound, magnetic resonance, angiography, and other similar techniques.

(c) “Freestanding Diagnostic Testing Center” means a mobile, relocatable, or transportable facility which is capable of providing a wide array of outpatient diagnostic testing services and minimally invasive procedures.

(d) “Licensed Practitioner” means a person licensed or otherwise authorized by law to practice medicine, dentistry, podiatry, osteopathy, or chiropractic and includes properly certified physician assistants and properly licensed advanced practice nurses as defined under W. S. 33-21-120(a)(i).

(e) “Mobile” means any premanufactured structure, trailer, or self-propelled unit equipped with a chassis on wheels and intended to provide diagnostic testing services on a temporary basis.

(f) “Radiation” means ionizing radiation including gamma rays and x-rays, alpha particles, beta particles, electrons, neutrons, protons and other nuclear particles but not sound or visible, infrared or ultraviolet light.

(g) “Radioactive Material” means any solid, liquid, or gas which emits radiation spontaneously.

(h) “Radiologic Technologist” means a person other than a licensed practitioner who applies ionizing radiation or radiopharmaceutical agents to humans for diagnostic or therapeutic purposes.

(i) “Relocatable” means any structure, not on wheels, built to be relocated at any time and provides diagnostic testing services.

(j) “Survey” means an examination or observation including, but not limited to, on-site inspections to determine compliance with licensure rules. These surveys shall be conducted by the Office of Health Quality or its authorized representatives.

(k) “Transportable” means any premanufactured structures or trailer, equipped with a

chassis on wheels, intended to provide diagnostic testing services on an extended temporary basis.

Section 7. Licensing.

The Office of Health Quality has been authorized to issue licenses to Freestanding Diagnostic Testing Centers which are in compliance with:

- (i) National Fire Protection Association's Life Safety Code 101, 1994 edition;
 - (ii) Guidelines for Design and Construction of Hospital and Health Care Facilities, current edition; and
 - (iii) The National Fire Protection Association's National Electric Code 70 as adopted by the Wyoming State Department of Fire Prevention and Electrical Safety.
- (b) Licensing procedure.

For an initial license to be issued, the Office of Health Quality shall receive:

A completed application form as supplied by the Office of Health Quality.

The required licensure fee as outlined in Chapter 1, Rules and Regulations for Health Care Facilities Licensure Fees. The check or money order shall be made payable to the Treasurer, State of Wyoming.

The effective date of the initial license shall be:

- (I) The date of survey, if there are no deficiencies, or
 - (II) If deficiencies exist, the date that a plan of correction is approved by the Office of Health Quality.
- (D) The duration of the license shall be from the effective date of the license until the next June 30th.

(ii) For renewal of a full license for one year beginning July 1st, and unless suspended, shall expire on June 30th of the following year, the Office of Health Quality shall receive:

(A) A completed application form by the date requested in the cover letter.

(B) The license fee as required in paragraph (b) of this section.

(c) Transfer of license.

(i) No license granted shall be assignable or transferrable. A license shall apply only to the Freestanding Diagnostic Testing Center described in the license application.

(A) Whenever ownership of a Freestanding Diagnostic Testing Center is transferred from the individual or entity named in the license application to any other individual or entity, written notification of change of ownership shall be made to the Office of Health Quality. The transferee shall notify the Office of Health Quality of the transfer and apply for a new license.

The transferor shall notify the Office of Health Quality at least thirty (30) days prior to the final transfer.

Any license granted to the transferee shall be subject to the plan of correction submitted by the previous owner as approved by the Office of Health Quality.

If the Freestanding Diagnostic Testing Center's name or address is changed, the Office of Health Quality shall be advised in writing and a new license shall be issued upon receipt of the licensure fee and application.

(d) Conditions for revoking a license.

(i) Denial of application - revocation of license.

An application for license may be denied or a previously issued license may be revoked for noncompliance with minimum standards as herein set forth when noncompliance jeopardizes the health, safety or welfare of patients.

(ii) Hearings.

(A) Any Freestanding Diagnostic Testing Center aggrieved by a decision of the Office of Health Quality or its authorized representatives may request a hearing by submitting a written request within ten (10) days of the receipt date of the notice of adverse action.

Hearings requested under the terms of these rules and regulations shall be held by the Office of Health Quality in accordance with the provisions of the Wyoming Administrative Procedures Act at W.S. §16-3-113, and with the contested case rules and regulations of the Wyoming Department of Health.

(e) Posting of license.

(i) The current license issued by the Office of Health Quality shall be displayed in a public area within the Freestanding Diagnostic Testing Center.

(f) Survey of the Freestanding Diagnostic Testing Center shall:

(i) Be arranged by the Office of Health Quality through its duly authorized officers, agents, or consultants.

(ii) Surveys shall be announced and made at periodic intervals dependent on the results of the previous survey and funding.

(g) Requirements of the Office of Health Quality.

(i) The Office of Health Quality shall provide each Freestanding Diagnostic Testing Center with:

(A) A list of the cited deficiencies, if any; and

(B) A copy of these rules and regulations.

(h) Voluntary closure.

(i) If a Freestanding Diagnostic Testing Center voluntarily ceases to operate, it shall notify the Office of Health Quality in writing at least five working days prior to the closure.

(ii) The first working day after closure, the Freestanding Diagnostic Testing Center shall return its license to the Office of Health Quality.

Section 8. Physical Environment.

(a) Freestanding Diagnostic Testing Centers shall meet the following requirements:

(b) Life Safety Code.

(A) The 1994 edition of The National Fire Protection Association's, Life Safety Code 101, and all codes referenced therein, as modified by the 1996-97 edition of Guidelines for Design and Construction of Hospitals and Health Facilities referenced in Section 8(c).

National Fire Protection Association
#1 Batterymarch Park
P.O. Box 9101
Quincy, MA 02269-9101 Phone: (617) 770-3000

(c) The 1996-97 edition of Guidelines for Design and Construction of Hospital and Health Facilities, Chapter 12, Mobile, Transportable, and Relocatable Units, and all codes referenced therein.

The America Institute of Architects
Order Department
9 Jay Gould Court

P.O. Box 753
Waldorf, MD 20601 Phone: (202) 626-7474

(d) Electrical Safety.

(A) Electrical installations shall be in accordance with W.S. 35-9-119 including plan reviews and inspections.

State of Wyoming
Department of Fire Prevention and Electrical Safety
Herschler Building, 1W, 122 West 25th Street
Cheyenne, Wyoming 82002 Phone: (307) 777-7288

Section 9. Licensure of Out-of-State Freestanding Diagnostic Centers.

(a) Prior to operating in the State of Wyoming, out-of-state based Freestanding Diagnostic Testing Centers shall be licensed in Wyoming. Licensure shall be obtained by:

(i) Completing an application form as supplied by the Office of Health Quality;

(ii) Providing a notarized statement from a state licensed architect which attests the Freestanding Diagnostic Testing Center is in compliance with the National Fire Protection Association's, Life Safety Code 101, 1994 edition, Chapter 27 Existing Business Occupancies and the Guidelines for Design and Construction of Hospital and Health Facilities, current edition, Chapter 12 Mobile, Transportable, and Relocatable Units.

(iii) Providing a notarized statement from the licensure applicant which attests the Freestanding Diagnostic Testing Center is in compliance with the electrical safety requirements as adopted by the State of Wyoming Department of Fire Prevention and Electrical Safety.

(b) As requested by the Office of Health Quality, the licensee shall provide a schedule which shall include:

(i) The type of Freestanding Diagnostic Testing Center to be used;

(ii) The nature, duration, and scope of use;

(iii) The exact location(s) where the Freestanding Diagnostic Testing Center machine is to be used; and

(iv) States in which the Freestanding Diagnostic Testing Center is registered and/or licensed.

(c) The preceding sections of these rules shall also apply for State of Wyoming

licensure of out-of-state based Freestanding Diagnostic Testing Centers.