

Kentucky

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Licensure Term Certified Assisted Living Communities

Opening Statement Assisted living communities must be certified by the Kentucky Cabinet for Health & Family Services, Department for Aging and Independent Living. Assisted living communities are considered private business entities and no public funding is available for services provided in this setting.

Legislative and Regulatory Update There are no recent legislative updates affecting assisted living in Kentucky. In March 2019, regulations at 910 KAR 1:240, Certification of assisted-living communities, were amended to revise language for fees for entities certified or seeking to be certified by the Department for Aging and Independent Living and also to make technical edits.

Definition Assisted living community means a series of living units on the same site certified under KRS 194A.707 to provide services for five or more adult persons not related within the third degree of consanguinity to the owner or manager.

Disclosure Items An assisted living community must provide any interested person with:

(1) A copy of relevant sections of the statute (KRS 194A.700 to 194A.729) and relevant administrative regulations (910 KAR 1:240), and

(2) A description of any special programming, staffing, or training if the assisted living community markets itself as providing special programming, staffing, or training on behalf of clients with particular needs or conditions.

Facility Scope of Care Communities must provide assistance with activities of daily living and instrumental activities of daily living and make available three meals and a snack each day, scheduled daily social activities, and assistance with self-administration of medication.

Third Party Scope of Care	Clients may arrange for additional services under direct contract or arrangement with an outside agent, professional, provider, or other individual designated by the client if permitted by the policies of the facility.
Admission and Retention Policy	Clients must be ambulatory or mobile non-ambulatory, unless due to a temporary condition, and must not be a danger to themselves or others. The assisted living community must have provisions for assisting any client who has received a move-out notice to find appropriate living arrangements prior to the actual move-out date.
Resident Assessment	Each assisted living community must complete a functional needs assessment upon move in and once every 12 months thereafter and as needed due to a change in function or condition. A pre-assessment can be completed prior to move in for screening purposes, but this is not required. The assessment must be updated to meet the ongoing needs of the client. Clients living on special programming units will have a functional needs assessment completed prior to entering into a lease agreement and at least annually thereafter. The assessment is not a standardized form.
Medication Management	Medication administration is not permitted. The assisted living community provides assistance with self-administration of medication that is prepared or directed by the client, the client's designated representative, or a licensed health care professional who is not the owner, manager, or employee of the assisted living community.
Square Feet Requirements	Assisted living community rooms must be at least 200 square feet for single occupancy, or for double occupancy if the room is shared with a spouse or another individual by mutual agreement. Per statute, facilities in existence or under construction on or before July 14, 2000, are exempt from the 200 square feet minimum requirement.
Residents Allowed Per Room	A maximum of two clients is allowed per resident unit and only by mutual agreement.
Bathroom Requirements	Each living unit in new facilities must provide a private bathroom equipped with a tub or shower. Shared bathing facilities in facilities under construction on or before July 14, 2000, shall have a minimum of one bathtub or shower for each five clients.
Life Safety	Documentation of compliance with applicable building and life safety codes is required. The following items are reviewed: annual state fire marshal inspections (including sprinkler systems, smoke detectors, fire extinguishers, etc.), health department inspections, elevator inspections, boiler inspections, beauty shop and beautician

Unit and Staffing Requirements for Serving Persons with Dementia

licenses, food establishment licenses, and certificates of occupancy.

An assisted living community shall provide any interested person with a description of any special programming, staffing, or training if it markets itself as providing special programming, staffing, or training on behalf of clients with particular needs or conditions.

The assisted living community must maintain a description of dementia-specific staff training that is provided, including at a minimum the content of the training, the number of offered and required hours of training, the schedule for training, and the staff who are required to complete the training.

Staffing Requirements

A designated manager must be at least 21 years of age, have at least a high school diploma or a GED, and have demonstrated management or administrative ability to maintain the daily operations. One awake staff member shall be on site at all times and staffing shall be sufficient in number and qualification to meet the 24-hour scheduled needs of the clients. There are no staffing ratios.

A criminal records check must be applied for from the Kentucky Administrative Offices of the Court, the Kentucky Justice and Public Safety Cabinet, or an assisted living community may use Kentucky's national background check program (KARES – Kentucky Applicant Registry and Employment Screening program). The criminal records check can be applied for no sooner than 45 days prior to but no later than 7 days following an employee's first day of work. A check of the Central Registry, the Adult Protective Services Caregiver Misconduct Registry and the Nurse Aide Abuse Registry is also required upon initial date of hire and annually thereafter. The KARES program outlines offenses that would exclude an applicant from being employable in a long term care facility or an assisted living community (906 KAR 1:190).

Administrator Education/Training

A designated manager must have at least a high school diploma or a GED, and have demonstrated management or administrative ability to maintain the daily operations.

Staff Education/Training

All staff and management must receive orientation within 90 days of hire and in-service education annually on specified topics applicable to their assigned duties. If the assisted living community provides special programming, it must provide consumers a description of dementia-specific staff training provided, including but not limited to the content of the training, the number of offered and required hours of training, the schedule for training, and the staff who are required to complete the training.

**Entity Approving
CE Program**

None specified.

**Medicaid Policy and
Reimbursement**

Medicaid does not cover services or reimbursement for assisted living clients or communities.

Citations

Kentucky Revised Statutes, Title XVII, Chapter 194A, 700 to 729: Assisted Living Communities. [November 23, 2014]
<https://apps.legislature.ky.gov/law/statutes/chapter.aspx?id=38056>

Kentucky Administrative Regulations, Title 910, Chapter 1, Section 240: Certification of Assisted-Living Communities [March 11, 2019]
<https://apps.legislature.ky.gov/Law/kar/910/001/240.pdf>
<https://apps.legislature.ky.gov/Law/kar/910/001/240reg.pdf>

Kentucky Administrative Regulations, Title 906, Chapter 1, Section 190: Kentucky National Background Check Program. [November 27, 2018]
<https://apps.legislature.ky.gov/law/kar/906/001/190.pdf>

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