

202B.070 Exemption from personal liability -- Duty of individuals with direct-care responsibility for residents of ICF/ID to meet specific care needs, including supervision.

- (1) Persons carrying out duties or rendering professional opinions as provided in this chapter shall be free of personal liability for such actions provided that such activities are performed in good faith within the scope of their official duties and in a manner consistent with accepted professional practices.
- (2)
 - (a) The person responsible for the implementation of the individual care plan shall ensure that each individual that has direct-care responsibility for a resident admitted to an ICF/ID shall be informed of the specific care needs of the resident, including but not limited to the need for supervision.
 - (b) After admittance, the facility administrator shall ensure that each individual that has direct-care responsibility for a resident admitted to an ICF/ID shall be informed of the specific care needs of the resident, including but not limited to the need for supervision upon any change in the resident's care plan.
- (3) Notwithstanding subsection (1) of this section, an individual who has direct-care responsibility for a resident of an ICF/ID and who intentionally fails to provide supervision of the resident as specified in the resident's care plan and thereby creates a risk of imminent harm or death to the resident shall be subject to immediate dismissal from employment.

Effective: July 12, 2012

History: Amended 2012 Ky. Acts ch. 146, sec. 44, effective July 12, 2012. -- Amended 2008 Ky. Acts ch. 145, sec. 1, effective July 15, 2008. -- Created 1976 Ky. Acts ch. 328, sec. 8.

Legislative Research Commission Note (7/15/2008). 2008 Ky. Acts ch. 145, sec. 2, provides that the amendments to this section in 2008 Ky. Acts ch. 145, shall be known and may be cited as "Deron's Law."