

**216.555 Long-term care facility -- Citation by cabinet for violations of regulations, standards, and requirements -- Restriction on publication of results of survey, inspection, or investigation.**

- (1) If upon inspection or investigation the cabinet determines that a long-term care facility has violated the regulations, standards, and requirements as set forth by the cabinet pursuant to the provisions of KRS 216.510 to 216.525, or applicable federal laws and regulations governing the certification of a long-term care facility under Title 18 or 19 of the Social Security Act and such violation has been classified in KRS 216.557, the cabinet shall immediately issue a citation to the licensee of the long-term care facility. Each notice of violation shall be prepared in writing and shall specify the nature of the violation, and the statutory provision or regulation alleged to have been violated.
- (2) Except as otherwise provided in this section, the results of a survey, inspection, or investigation of a long-term care facility conducted by any state or federal department or agency, including all statements of deficiencies, findings of deficiency, and all plans of correction, shall not be used in an advertisement publication, unless the advertisement publication includes all of the following:
  - (a) The date the survey, inspection, or investigation was conducted;
  - (b) A statement that a facility is required to submit a plan of correction in response to a statement of deficiencies, if applicable;
  - (c) If a finding or deficiency cited in the statement of deficiencies has been corrected, a statement that the finding or deficiency has been corrected and the date that the finding or deficiency was corrected; and
  - (d) A statement that the advertisement publication is not authorized or endorsed by the Cabinet for Health and Family Services, Office of Inspector General, the Centers for Medicare and Medicaid Services, or any other government agency.
- (3) This section does not prohibit the results of a survey, inspection, or investigation conducted under this section from being used in an administrative proceeding or a civil or criminal investigation or prosecution.
- (4) The information required by subsection (2) of this section shall:
  - (a) Be in the same color, font, and size as the other language on or in the advertisement publication; and
  - (b) Appear as prominent as other language used in the advertisement publication.

**Effective:** June 29, 2017

**History:** Amended 2017 Ky. Acts ch. 108, sec. 1, effective June 29, 2017. -- Amended 1998 Ky. Acts ch. 189, sec. 5, effective July 15, 1998. -- Created 1982 Ky. Acts ch. 157, sec. 9, effective July 15, 1982.