

199.640 Licensing of child-caring and child-placing agencies or facilities -- License fees -- Standards -- Recordkeeping and reporting -- Use of corporal punishment -- Prohibition against hiring convicted sex offender -- Confidentiality of records.

- (1) Any facility or agency seeking to conduct, operate, or maintain any child-caring facility or child-placing agency shall first obtain a license to conduct, operate, or maintain the facility or agency from the cabinet.
- (2) The cabinet shall:
 - (a) Develop standards, as provided in subsection (5) of this section, which must be met by any facility or agency seeking to be licensed to conduct, operate, or maintain a child-caring facility or child-placing agency;
 - (b) Issue licenses to any facility or agency found to meet established standards and revoke or suspend a license after a hearing in any case that a facility or agency holding a license is determined to have substantially failed to conform to the requirements of the standards;
 - (c) Establish and follow procedures designed to ensure that any facility or agency licensed to conduct, operate, or maintain a child-caring facility or child-placing agency complies with the requirements of the standards on an ongoing basis.
- (3) Licenses shall be issued for a period of one (1) year from date of issue unless revoked by the cabinet. Each licensed facility or agency shall be visited and inspected at least one (1) time each year by a person authorized by the cabinet and meeting specific qualifications established by the secretary of the cabinet in an administrative regulation. A complete report of the visit and inspection shall be filed with the cabinet.
- (4) Each license issued shall specify the type of care or service the licensee is authorized to perform. The cabinet may promulgate administrative regulations to establish fees that shall not exceed costs of the program to the cabinet, for the proper administration of licensure. The fees collected by the secretary shall be deposited in the State Treasury and credited to a revolving fund account for the purpose of carrying out the provisions of this section. The balance of said account shall lapse to the general fund at the end of each biennium.
- (5) (a) The secretary shall promulgate administrative regulations establishing basic standards of care and service for child-caring facilities and child-placing agencies relating to the health and safety of all children in the care of the facility or agency, the basic components for a quality program, as referenced below, and any other factors as may be necessary to promote the welfare of children cared for or placed by the agencies and facilities. Standards established may vary depending on the capacity of the agency or facility seeking licensure. These administrative regulations shall establish standards that ensure that:
 1. The treatment program offered by the facility or agency is directed toward child safety, improved child functioning, improved family

- functioning, and continuity and permanence for the child;
2. The facility or agency has on staff, or has contracted with, individuals who are qualified to meet the treatment needs of the children being served, including their psychological and psychiatric needs;
 3. The facility or agency has procedures in place to ensure that its staff receives ongoing training and that all staff members who are required to do so meet all regional and national standards;
 4. The facility or agency develops an integrated, outcomes-based treatment plan that meets the health, mental health, education, safety, and security needs of each child in its care;
 5. The facility or agency has procedures in place to include parents, family, and other caregivers in a child's treatment program;
 6. The facility or agency has procedures in place whereby it evaluates its programs on a quarterly basis and documents changes in the program if the results of the review indicate a change is needed;
 7. The facility or agency makes available quality programs for substance abuse prevention and treatment with providers licensed under KRS Chapter 222 as part of its treatment services;
 8. The facility or agency initiates discharge planning at admission and provides sufficient aftercare; and
 9. The facility or agency has written policies and procedures in place that outline the structure and objectives of cooperative relationships with the community within which it is located and the local school district, including outreach activities to be undertaken by the facility or agency to both develop and maintain those cooperative relationships.
- (b) The secretary shall promulgate administrative regulations establishing recordkeeping and reporting requirements and standards for licensed agencies and facilities that recognize the electronic storage and retrieval of information for those facilities that possess the necessary technology and that include, at a minimum, the following information relating to children in the care of the agency or facility:
1. The name, age, social security number, county of origin, and all former residences of the child;
 2. The names, residences, and occupations, if available, of the child's parents;
 3. The date on which the child was received by the agency or facility; the date on which the child was placed in a foster home or made available for adoption; and the name, occupation, and residence of any person with whom a child is placed; and
 4. A brief and continuing written narrative history of each child covering the period during which the child is in the care of the agency or facility.
- (c) The secretary may promulgate administrative regulations creating separate

licensure standards for different types of facilities.

- (d) The secretary shall promulgate administrative regulations to establish practices and procedures for the inspection of child-caring facilities and child-placing agencies. These administrative regulations shall establish a uniform reporting mechanism that includes guidelines for enforcement.
- (6) Any administrative regulations promulgated pursuant to KRS Chapter 13A to govern services provided by church-related privately operated child-caring agencies or facilities shall not prohibit the use of reasonable corporal physical discipline which complies with the provisions of KRS 503.110(1), including the use of spanking or paddling, as a means of punishment, discipline, or behavior modification and shall prohibit the employment of persons convicted of any sexual offense with any child-caring facility or child-placing agency.
- (7) All records regarding children or facts learned about children and their parents and relatives by any licensed agency or facility shall be deemed confidential in the same manner and subject to the same provisions as similar records of the cabinet. The information thus obtained shall not be published or be open for public inspection, except to authorized employees of:
 - (a) The cabinet or of such licensed agency or facility in performance of their duties; and
 - (b) A school or local school district in which a child is enrolling or currently enrolled, in order to identify and serve the educational needs of the child, in accordance with KRS 199.802.

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History: Amended 2020 Ky. Acts ch. 64, sec. 3, effective July 15, 2020. -- Amended 2018 Ky. Acts ch. 136, sec. 4, effective July 1, 2019. -- Amended 2005 Ky. Acts ch. 99, sec. 45, effective June 20, 2005. -- Amended 1998 Ky. Acts ch. 524, sec. 1, effective July 15, 1998; and ch 527, sec. 2, effective July 15, 1998. -- Amended 1988 Ky. Acts ch. 239, sec. 2, effective July 15, 1988. -- Amended 1982 Ky. Acts ch. 247, sec. 4, effective July 15, 1982. -- Amended 1978 Ky. Acts ch. 314, sec. 4, effective June 17, 1978. -- Amended 1974 Ky. Acts ch. 74, Art. VI, sec. 107(21). -- Amended 1972 Ky. Acts ch. 153, sec. 2. -- Created 1950 Ky. Acts ch. 125, sec. 27.