

194A.707 Certification -- Administrative regulations -- Accreditation by other organizations -- Fees -- Compliance.

- (1) The Cabinet for Health and Family Services shall establish by the promulgation of administrative regulation under KRS Chapter 13A, an initial and annual certification review process for assisted-living communities. This administrative regulation shall establish procedures related to applying for, reviewing, and approving, denying, or revoking certification, as well as the conduct of hearings upon appeals as governed by KRS Chapter 13B.
- (2) An on-site visit of an assisted-living community shall be conducted by the cabinet:
 - (a) As part of the initial certification review process;
 - (b) On a biennial basis as part of the certification review process if during or since the previous certification review an assisted-living community has not received:
 1. Any statement of danger, unless withdrawn by the cabinet; or
 2. A finding substantiated by the cabinet that the assisted-living community delivered a health service; and
 - (c) Within one (1) year of the date of the previous certification review if during or since the last certification review an assisted-living community has received:
 1. Any statement of danger that was not withdrawn by the cabinet; or
 2. A finding substantiated by the cabinet that the assisted-living community delivered a health service.
- (3) No business shall market its service as an assisted-living community unless it has:
 - (a) Filed a current application for the business to be certified by the department as an assisted-living community; or
 - (b) Received certification by the department as an assisted-living community.
- (4) No business that has been denied or had its certification revoked shall operate or market its service as an assisted-living community unless it has:
 - (a) Filed a current application for the business to be certified by the department as an assisted-living community; and
 - (b) Received certification as an assisted-living community from the department. Revocation of certification may be grounds for the department to not reissue certification for one (1) year if ownership remains substantially the same.
- (5) No business shall operate as an assisted-living community unless its owner or manager has:
 - (a) Filed a current application for the business to be certified as an assisted-living community by the department; and
 - (b) Received certification as an assisted-living community from the department.
- (6) By September 1 of each year, each assisted-living community certified pursuant to this chapter may provide residents with educational information or education opportunities on influenza disease.
- (7) The department shall determine the feasibility of recognizing accreditation by other

organizations in lieu of certification from the department.

- (8) Individuals designated by the department to conduct certification reviews shall have the skills, training, experience, and ongoing education to perform certification reviews.
- (9) The cabinet may promulgate administrative regulations to establish an assisted-living community certification fee that shall not exceed costs of the program to the cabinet, to be assessed upon receipt of an application for certification. The department shall submit a breakdown of fees assessed and costs incurred for conducting certification reviews upon request.
- (10) The department shall make findings from certification reviews conducted during the prior twelve (12) months available to any interested person.
- (11) Notwithstanding any provision of law to the contrary, the department may request any additional information from an assisted-living community or conduct additional on-site visits to ensure compliance with the provisions of KRS 194A.700 to 194A.729.
- (12) Failure to follow an assisted-living community's policies, practices, and procedures shall not result in a finding of noncompliance unless the assisted-living community is out of compliance with a related requirement under KRS 194A.700 to 194A.729.

Effective: July 1, 2019

History: Amended 2018 Ky. Acts ch. 136, sec. 2, effective July 1, 2019. -- Amended 2017 Ky. Acts ch. 80, sec. 30, effective June 29, 2017. -- Amended 2016 Ky. Acts ch. 103, sec. 20, effective July 15, 2016. -- Amended 2010 Ky. Acts ch. 36, sec. 4, effective July 15, 2010. -- Amended 2007 Ky. Acts ch. 24, sec. 9, effective June 26, 2007. -- Amended 2005 Ky. Acts ch. 99, sec. 163, effective June 20, 2005. -- Created 2000 Ky. Acts ch. 141, sec. 4, effective July 14, 2000.

Legislative Research Commission Note (6/20/2005). 2005 Ky. Acts chs. 11, 85, 95, 97, 98, 99, 123, and 181 instruct the Reviser of Statutes to correct statutory references to agencies and officers whose names have been changed in 2005 legislation confirming the reorganization of the executive branch. Such a correction has been made in this section.