

### **216.935 Definitions for KRS 216.935 to 216.939.**

As used in KRS 216.935 to 216.939, unless the context requires otherwise:

- (1) "Direct-care staff member" means a home health aide or a personal service aide whose work involves extensive contact with residents or program participants who exhibit symptoms of Alzheimer's disease or other dementias;
- (2) "Facilities or programs" means residential facilities or home-and-community-based service programs and include but are not limited to personal service agencies and home health agencies that have residents or program participants who exhibit symptoms of Alzheimer's disease or other dementias;
- (3) "Home health aide" means an individual who is hired to perform home health aide services;
- (4) "Home health agency" means a public agency or private organization, or a subdivision of such an agency or organization which is licensed as a home health agency by the Cabinet for Health and Family Services and is certified to participate as a home health agency under Title XVIII of the Social Security Act;
- (5) "Home health aide services" means those services provided by a home health aide and supervised by a registered nurse which are directed towards the personal care of the patient. Such services shall include but not be limited to the following:
  - (a) Helping the patient with bath and care of mouth, skin, and hair;
  - (b) Helping the patient to the bathroom or in using a bedpan;
  - (c) Helping the patient in and out of bed and assisting with ambulation;
  - (d) Helping the patient with prescribed exercises which the patient and home health aide have been taught by appropriate professional personnel;
  - (e) Assisting with medication ordinarily self-administered that has been specifically ordered by a physician, an advanced practice registered nurse, or a physician assistant;
  - (f) Performing incidental household services as are essential to the patient's health care at home, if these services would have been performed if the patient was in a hospital or skilled nursing facility; and
  - (g) Reporting changes in the patient's condition or family situation to the professional nurse supervisor;
- (6) "Nurse aide" means an individual, including a nursing student, medication aide, and a person employed through a nursing pool, who provides nursing or nursing related services to a resident in a nursing facility or home health agency, excluding:
  - (a) An individual who is a licensed health professional;
  - (b) A volunteer who provides the nursing or nursing-related services without monetary compensation; and
  - (c) A person who is hired by the resident or family to sit with the resident and who does not perform nursing or nursing-related services; and
- (7) "Recipient" means an individual receiving nonmedical home health services or medical home-health services.

**Effective:** June 29, 2021

**History:** Amended 2021 Ky. Acts ch. 72, sec. 3, effective June 29, 2021. -- Amended 2021 Ky. Acts ch. 59, sec. 1, effective March 22, 2021. -- Amended 2018 Ky. Acts ch. 112, sec. 12, effective July 14, 2018. -- Amended 2010 Ky. Acts ch. 85, sec. 76, effective July 15, 2010. -- Created 2000 Ky. Acts ch. 471, sec. 1, effective July 14, 2000.

**Legislative Research Commission Note** (6/29/2021). This statute was amended by 2021 Ky. Acts chs. 59 and 72, which do not appear to be in conflict and have been codified together.