

**216.577 Action of secretary against facility for failure to correct a Type A violation.**

- (1) Upon a finding that conditions in a long-term care facility constitute a Type A violation, and the licensee fails to correct the violation within the time specified for correction by the cabinet, the secretary shall take at least one (1) of the following actions with respect to the facility in addition to the issuance of a citation, or the assessment of a civil penalty therefor:
  - (a) Institute proceedings to obtain an order compelling compliance with the regulations, standards, or requirements as set forth by the Cabinet for Health and Family Services, 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;
  - (b) Institute injunctive proceedings in Circuit Court to terminate the operation of the facility; or
  - (c) Selectively transfer residents whose care needs are not being adequately met by the long-term care facility.
- (2) This section shall not apply to assisted living communities licensed under KRS 194A.700 to 194A.729.

**Effective:** July 14, 2022

**History:** Amended 2022 Ky. Acts ch. 20, sec. 35, effective July 14, 2022. -- Amended 2018 Ky. Acts ch. 112, sec. 11, effective July 14, 2018; and ch. 143, sec. 7, effective July 14, 2018. -- Created 1982 Ky. Acts ch. 157, sec. 18, effective July 15, 1982.