# AN ACT relating to residential care facilities.

***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

# SECTION 1. A NEW SECTION OF KRS CHAPTER 205 IS CREATED TO READ AS FOLLOWS:

## (1) As used in this section, "residential care facility" means a residence operated and maintained by a private agency to provide home and community-based services pursuant to 42 U.S.C sec. in a homelike setting for individuals with disabilities.

## (2) Within ninety (90) days after the effective date of this Act, the Cabinet for Health and Family Services shall promulgate administrative regulations for the inspection of residential care facilities in accordance with KRS Chapter 13A. Administrative regulations promulgated pursuant to this section shall require that:

### (a) Each residential care facility be inspected at least once every fifteen (15) months;

### (b) Inspections be unannounced; and

### (c) Inspection history and complaints be made available to the public;

## (3) If during the course of an inspection performed pursuant to administrative regulations promulgated in accordance with subsection (1) of this section, the Cabinet for Health and Family Services finds evidence sufficient to substantiate a violation of any state or federal law governing the operation of a residential care facility, the cabinet may impose a fine of not more than one thousand dollars ($1000) for each substantiated violation.