

CHAPTER 43**(HB 81)**

AN ACT relating to reorganization.

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

Section 1. KRS 209.200 is amended to read as follows:

- (1) "Assisted living residence" means an apartment or home-style housing unit residence which provides assisted living to two (2) or more adult persons who are not related within the third degree of consanguinity to the owner or operator of the apartment or residence, and which provides supportive services within the residence or on the grounds of the residence. For purposes of this section:
 - (a) "Apartment" means a residence which shall offer at least one (1) unfurnished room, a private bathroom with a bathtub or shower, a kitchenette, a lockable door, and individual thermostat controls.
 - (b) "Home-style housing unit" means a residence which shall offer at least one (1) unfurnished room, a semiprivate bathroom with a bathtub or shower, free use of kitchen facilities, and a lockable door to the room entrance.
 - (c) "Supportive services" means assistance with household chores, cleaning, shopping, meals, laundry, transportation, twenty-four (24) hour supervision and organized social and recreational activities. Other services, including but not limited to assistance with health related services, may be arranged through a licensed or cabinet-approved service provider.
- (2) The Cabinet *for Health Services* shall, after consultation with the director of the Kentucky Housing Corporation to assure compliance with federal law, including but not limited to 12 U.S.C. sec. 1715b, 12 U.S.C. sec. 1715w, or 42 U.S.C. sec. 3535(d), as amended, or federal regulations promulgated under those statutes, establish by promulgation of administrative regulation pursuant to KRS Chapter 13A the requirements for certification of an assisted living residence. Certification of an assisted living residence shall be voluntary.
- (3) The Cabinet *for Health Services* may issue a certificate to any assisted living residence meeting standards provided for under subsection (2) of this section. The Cabinet *for Health Services* may deny, revoke, suspend, or modify an assisted living residence certificate for failure to comply with standards or when it determines the health, safety, or security of residents is in jeopardy. Actions to deny, revoke, suspend, or modify a certificate may be appealed to the Cabinet *for Health Services* within thirty (30) days of receipt of notification of intent. The Cabinet *for Health Services* shall, by administrative regulation in accordance with KRS Chapter 13A, establish procedures for the conduct of hearings upon appeals assuring reasonable notice and an opportunity to be heard pursuant to KRS Chapter 13B. Certification of an assisted living residence shall be voluntary.
- (4) No Medical Assistance or general fund moneys shall be used to pay for new classifications of services authorized by this section. Nothing in this section or KRS 216B.020 shall be construed to prohibit payment for services solely because the services may be performed in an assisted living facility if the services are otherwise eligible for Medical Assistance or general fund payment.

Section 2. The General Assembly hereby confirms Executive Order 98-791, dated June 24, 1998, to the extent it is not otherwise confirmed by this Act. The confirmation shall include: (1) requiring a separate budget identification number be assigned to the Office of the Inspector General of the Cabinet for Health Services; and (2) transferring the voluntary assisted living certification program for assisted living facilities which is administered by the Kentucky Housing Authority under state and federal law from the Cabinet for Families and Children to the Cabinet for Health Services, Office of the Inspector General.

Approved March 3, 2000

