

**CHAPTER 471****(HB 421)**

AN ACT relating to home health care.

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

SECTION 1. A NEW SECTION OF KRS CHAPTER 216 IS CREATED TO READ AS FOLLOWS:

*As used in Sections 1 to 4 of this Act unless the context requires otherwise:*

- (1) *"Home health aide" means an individual who is hired to perform home health aide services.*
- (2) *"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 Kentucky Health Facilities and Health Services Certificate of Need and Licensure Board and is certified to participate as a home health agency under Title XVIII of the Social Security Act.*
- (3) *"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;*
  - (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.*
- (4) *"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.*

SECTION 2. A NEW SECTION OF KRS CHAPTER 216 IS CREATED TO READ AS FOLLOWS:

*The Cabinet for Health Services shall establish an abuse registry to include information pertaining to findings of resident neglect as defined at 42 C.F.R. 488.301 or abuse as defined at 42 C.F.R. 488.301, and misappropriation of resident property by a nurse aide or home health aide. The abuse registry may be created by expanding or modifying the existing nurse aide abuse registry to include home health aides as permitted by 42 C.F.R. 483.156.*

SECTION 3. A NEW SECTION OF KRS CHAPTER 216 IS CREATED TO READ AS FOLLOWS:

*Home health agencies shall not be operated by or employ any person who is listed on the expanded or modified nurse aide abuse registry as permitted by 42 C.F.R. 483.156. The expanded or modified nurse aide abuse registry shall be checked prior to the employment of a home health aide by home health agencies. The home health agency shall document the check of the expanded or modified nurse aide abuse registry for each prospective home health aide.*

SECTION 4. A NEW SECTION OF KRS CHAPTER 216 IS CREATED TO READ AS FOLLOWS:

*The Cabinet for Health Services shall promulgate administrative regulations in accordance with KRS Chapter 13A that establish and maintain an abuse registry for nurse aides and home health aides. The cabinet shall also expand or modify the hearing and appeals procedure to include nurse aides and home health aides.*

**Approved April 21, 2000**

