

**CHAPTER 81****(SB 84)**

AN ACT relating to reorganization.

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

Section 1. KRS 194A.709 is amended to read as follows:

- (1) The office shall report to the Division of ***Long Term Care***~~[Licensing and Regulation]~~ any alleged or actual cases of health services being delivered by the staff of an assisted-living community.
- (2) An assisted-living community shall have written policies on reporting and recordkeeping of alleged or actual cases of abuse, neglect, or exploitation of an adult under KRS 209.030.
- (3) Any assisted-living community staff member who has reasonable cause to suspect that a client has suffered abuse, neglect, or exploitation shall report the abuse, neglect, or exploitation under KRS 209.030.

Section 2. KRS 199.8994 is amended to read as follows:

- (1) All child-day-care funds administered by the cabinet, including Title XX of the Social Security Act, shall be administered by the Cabinet for Families and Children to the extent allowable under federal law or regulation and in a manner which is in the best interest of the clients to be served. To the extent permitted by federal law or regulations, requirements relating to application, eligibility, provider agreements, and payment for child-care services shall be the same regardless of the source of public funding.
- (2) The cabinet shall, to the extent allowable under federal law or regulation and in a manner which is in the best interest of the clients to be served, develop a system which provides a single intake point in each county through which parents seeking public subsidies for child-care services can make application.
- (3) The cabinet shall, subject to the extent funds are available, cooperate with the Cabinet for Health Services to fund and establish dedicated child-care licensing surveyor positions within the Division of ***Licensed Child Care***~~[Licensing and Regulation]~~ to conduct all the cabinet's child-care licensing activities. The cabinet shall have the authority to request the transfer of funds to establish these positions. Where possible, dedicated child-care surveyors shall have expertise or experience in child-care or early childhood education.
- (4) The targeted ratio of dedicated child-care licensing surveyor positions shall be one (1) surveyor for each fifty (50) child-care facilities in order to allow for the provision of an expedient, constructive, and thorough licensing visit.
- (5) The cabinet shall, in cooperation with the Division of ***Licensed Child Care***~~[Licensing and Regulation]~~, Cabinet for Health Services, provide appropriate specialized training for child-care surveyors.
- (6) (a) The cabinet shall evaluate ways to improve the monitoring of unregulated child-care providers that receive a public subsidy for child care, and promulgate administrative regulations in accordance with KRS Chapter 13A that establish minimum health and safety standards, limitations on the maximum number of children in care, training requirements for a child-care provider that receives a child-care subsidy administered

by the cabinet, and criteria for the denial of subsidies if criminal records indicate convictions that impact the safety and security of children in care.

- (b) If the cabinet has probable cause to believe that there is an immediate threat to the public health, safety, or welfare, it may take emergency action to deny a public subsidy for child-care services under KRS 13B.125.

Section 3. KRS 209.005 is amended to read as follows:

- (1) The Cabinet for Families and Children shall create an Elder Abuse Committee to develop a model protocol on elder abuse and neglect in the Commonwealth, that shall be comprised of various state agency representatives from the following list:
  - (a) The Department for Community Based Services;
  - (b) The Department for Public Health;
  - (c) The Department for Mental Health and Mental Retardation;
  - (d) The Office of Aging Services;
  - (e) The Division of *Long Term Care* ~~[Licensing and Regulation]~~;
  - (f) The Office of the Ombudsman; and
  - (g) Area Agencies on Aging.
- (2) The committee shall address issues of prevention, intervention, and agency coordination of services on a state and local level through interaction with local groups or entities that either directly or indirectly provide services to the elder population, including, but not limited to:
  - (a) Senior citizen centers;
  - (b) Local governmental human service groups;
  - (c) The Sanders-Brown Center on Aging at the University of Kentucky;
  - (d) Long Term Care Ombudsmen; and
  - (e) Other organizations or associations dedicated to serving elder citizens and their families in the Commonwealth.
- (3) The committee shall:
  - (a) Explore the need for a comprehensive statewide resource directory of services for the elderly;
  - (b) Enhance existing public awareness campaigns for elder abuse and neglect; and
  - (c) Provide forums for the exchange of information to educate the elder population and their families on the rights of elders.
- (4) The committee shall produce an annual report of their activities, products, and recommendations for public policy to the Governor and the Legislative Research Commission.

Section 4. KRS 210.271 is amended to read as follows:

- (1) No patient in an institution for the mentally ill or the mentally retarded operated by the Cabinet for Health Services shall be discharged to a boarding home as defined in KRS 216B.300 unless the boarding home is registered pursuant to KRS 216B.305.

- (2) The cabinet shall conduct a quarterly follow-up visit, using cabinet personnel or through contract with the Regional Community Mental Health Centers, of all patients of state mental health or mental retardation facilities that are discharged to boarding homes. Any resident found to have needs that cannot be met by the boarding home shall be referred to the Department for Community Based Services for appropriate placement. Any boarding home suspected of operating as an unlicensed personal care facility or housing residents with needs that cannot be met by the boarding home shall be reported to the Division of ***Community Health Services***~~[Licensing and Regulation]~~ for investigation.

Section 5. KRS 216.583 is amended to read as follows:

The Long-Term Care Coordinating Council shall be composed of the following members from within the cabinet: the commissioner of the Department for Public Health; the commissioner of the Department for Mental Health and Mental Retardation Services; the inspector general; the director of the Division of ***Long Term Care***~~[for Licensing and Regulation]~~; the executive director of the Office of Aging Services; the commissioner of the Department for Medicaid Services; the general counsel; and the long-term care ombudsman.

Section 6. KRS 216.860 is amended to read as follows:

As used in KRS 216.865:

- (1) "Division" means the Division of ***Community Health Services***~~[Licensing and Regulation]~~ within the Cabinet for Health Services;
- (2) "Cabinet" means the Cabinet for Health Services;
- (3) "Secretary" means the secretary for health services; and
- (4) "Nursing pools" means any person, firm, corporation, partnership, or association engaged for hire in the business of providing or procuring temporary employment in health-care facilities for medical personnel including, but not limited to, nurses, nursing assistants, nurses' aides, and orderlies. For purposes of KRS 216.865, nursing registries shall be considered to be nursing pools. Excluded from this definition are any health-facility-based or in-house pools established to provide services within the confines of such facility or business, any person who only engages in providing his or her own services on a temporary basis to health-care facilities, and home-health agencies licensed pursuant to KRS Chapter 216B which provide or procure temporary employment in health-care facilities for medical personnel.

Section 7. KRS 216.865 is amended to read as follows:

- (1) No nursing pool shall be operated, maintained, or advertised without obtaining a license as provided in this section.
- (2) The secretary shall adopt administrative regulations relating to license fees, standards of care and service, and procedures for enforcement of penalties.
- (3) The established standards of care and services shall at a minimum include:
  - (a) Written policies and procedures which must be maintained by each nursing pool;
  - (b) Records which must be maintained to assure that the criteria promulgated by administrative regulations are being met;
  - (c) Personnel policies which shall be developed and which shall include at a minimum: a personal interview, thorough reference check, annual evaluation of employees based

on questionnaires developed and sent to hospitals, nursing homes, and other facilities to which medical personnel are sent.

- (4) Upon employment or contract with a nursing pool, all medical personnel working in health care facilities shall be required to provide the following: a current negative tuberculin skin test or chest X-ray, a current license or certificate, where applicable, and a current cardiopulmonary resuscitation certification. Further, all medical personnel shall attend an annual infection control in-service and an annual safety in-service.
- (5) Only those nursing pools meeting the standards prescribed for licensure by the secretary may be granted a license.
- (6) Each application for a license shall be made to the Division of *Community Health Services*~~[Licensing and Regulation]~~ and shall be accompanied by a fee prescribed by the secretary and shall be renewed annually upon expiration and reapplication when accompanied by an additional fee. Licenses and renewals thereof shall expire one (1) year from their effective date.
- (7) Any license or application affected by an adverse determination by the division or the secretary shall have the same rights of appeal as set forth in KRS 216.567.
- (8) All fees collected under the provisions of this section shall be paid into the State Treasury and credited to a fund for the purposes of funding the division.
- (9) All inspections of nursing pools by the division shall be unannounced.

Section 8. The General Assembly hereby confirms Executive Order 2000-1104, dated August 23, 2000, which abolishes the Division of Licensing and Regulation and creates the following: 1) Division of Long Term Care; 2) Division of Licensed Child Care; and 3) Division of Community Health Services, to the extent it is not otherwise confirmed or superseded by this Act.

**Approved March 15, 2001**