

CHAPTER 57

(HB 493)

AN ACT relating to assisted living communities.

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

➔Section 1. KRS 194A.705 is amended to read as follows:

- (1) The assisted living community shall provide each resident with access to the following services according to the lease agreement:
 - (a) Assistance with activities of daily living and instrumental activities of daily living;
 - (b) Three (3) meals and snacks made available each day, with flexibility in a secured dementia care unit to meet the needs of residents with cognitive impairments who may eat outside of scheduled dining hours;
 - (c) Scheduled daily social activities that address the general preferences of residents;
 - (d) Assistance with self-administration of medication; and
 - (e) Housing.
- (2) (a) The assisted living community may provide residents with access to basic health and health-related services.
 - (b) If an assisted living community chooses to provide basic health and health-related services, the assisted living community shall supervise the residents.
 - (c) Notwithstanding KRS 194A.700(4)(e), in ***an assisted living community or nursing home as defined in KRS 205.510 and licensed under KRS Chapter 216B***~~[a long term care facility]~~ that provides basic health and ***health-related services***~~[health-related services]~~ or dementia care services, a certified medication aide or an unlicensed staff person who has successfully completed a medication aide training and skills competency evaluation program approved by the Kentucky Board of Nursing may administer oral or topical medication, or preloaded injectable insulin to a resident under the authority of an available licensed practical nurse, registered nurse, or advanced practice registered nurse.
 - (d) Unlicensed personnel who administer oral or topical medications to residents of an apartment-style personal care home required by KRS 194A.704 to convert to a licensed assisted living community shall comply with the medication aide requirements of paragraph (c) of this subsection no later than six (6) months from June 29, 2023.
- (3) (a) Residents of an assisted living community may arrange for additional services under direct contract or arrangement with an outside agent, professional, provider, or other individual designated by the resident if permitted by the policies of the assisted living community.
 - (b) Permitted services for which a resident may arrange or contract include but are not limited to health services, hospice services provided by a hospice program licensed under KRS Chapter 216B, and other end-of-life services.
- (4) Upon entering into a lease agreement, an assisted living community shall inform the resident in writing about policies relating to the provision of services by the assisted living community and the contracting or arranging for additional services.
- (5) A resident issued a move-out notice shall receive the notice in writing and the assisted living community shall assist each resident upon a move-out notice to find appropriate living arrangements. Each assisted living community shall share information provided from the cabinet regarding options for alternative living arrangements at the time a move-out notice is given to the resident.
- (6) An assisted living community shall complete and provide to the resident:
 - (a) Upon move-in, a copy of a functional needs assessment pertaining to the resident's ability to perform activities of daily living and instrumental activities of daily living and any other topics the assisted living community determines to be necessary; and

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- (b) After move-in, a copy of an updated functional needs assessment pertaining to the resident's ability to perform activities of daily living and instrumental activities of daily living, the service plan designed to meet identified needs, and any other topics the assisted living community determines to be necessary.

Signed by Governor April 4, 2024.