

201 KAR 6:080. Code of ethics.

RELATES TO: KRS Chapter 209, Chapter 216, 216A.070(1)(a), (c), (d), 510.010(7)

STATUTORY AUTHORITY: KRS 216A.070(1)(a), (1)(d), (3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 216A.070(3) authorizes the board to promulgate administrative regulations necessary for the proper performance of its duties. KRS 216A.070(1)(a) requires the board to develop, impose, and enforce standards which shall be met by an individual licensed as a long-term care administrator. KRS 216A.070(1)(d) requires the board to establish and carry out procedures to insure compliance with the established standards. This administrative regulation establishes a code of ethics as a portion of the standards which shall be met in compliance with KRS 216A.070(1)(a), (c), and (d).

Section 1. Definitions. (1) "Long term care administrator" is defined by KRS 216A.010(3).

(2) "Long term care facility" is defined by KRS 216A.010(4).

(3) "Resident" is defined by KRS 216A.010(5).

Section 2. Responsibility to Residents. (1) A long-term care administrator shall:

(a) Advance and protect the welfare of the resident;

(b) Respect the rights of a person seeking service;

(c) Operate the facility consistent with laws and administrative regulations applicable to nursing facilities under KRS Chapter 216; and

(d) Have the duty to report to the proper authorities knowledge of resident abuse, pursuant to KRS Chapter 209.

(2) A long-term care administrator shall not:

(a) Provide services other than those for which the administrator is prepared and qualified to perform;

(b) Discriminate against or refuse professional service to anyone on the basis of race;

(c) Misrepresent qualifications, education, experience, or affiliations;

(d) Exploit the trust and dependency of a resident;

(e) Participate in activities that reasonably may be considered to create a conflict of interest, or have the potential to have a substantial adverse impact on the facility, its residents, or its staff;

(f) Engage in a sexual relationship or sexual contact, as defined under KRS 510.010(7), with a resident; or

(g) Engage in sexual or other harassment or exploitation of a resident, student, trainee, supervisee, employee, colleague, research subject, or actual or potential witness or complainant in an investigation or disciplinary proceeding.

Section 3. Confidentiality. A long-term care administrator shall not divulge confidential information, except:

(1) As mandated, or permitted, by law;

(2) To prevent a clear and immediate danger to a person;

(3) In the course of a civil, criminal, or disciplinary action if:

(a) The long-term care administrator is a defendant in that action; and

(b) The action arose from a service provided by the long-term care administrator; or

(4) To comply with the terms of a consent agreement if written informed consent has been obtained.

Section 4. Professional Competence and Integrity. (1) A long-term care administrator shall maintain standards of professional competence and integrity and shall be subject to disciplinary action for:

(a) Conviction of a felony, or a misdemeanor related to the practice as a long-term care administrator.

Conviction shall include conviction based on:

1. A plea of no contest or an "Alford Plea"; or
2. The suspension or deferral of a sentence;

(b) Having been subject to disciplinary action by another state's regulatory agency that the board determines violates applicable Kentucky state law or administrative regulation;

(c) Misrepresentation or concealment of a material fact in obtaining or seeking reinstatement of license;

(d) Refusing to comply with an order issued by the board;

(e) Failing to cooperate with the board by not:

1. Furnishing in writing a complete explanation to a complaint filed with the board;
2. Furnishing documentation requested by the board regarding a complaint;
3. Appearing before the board at the time and place designated; or
4. Properly responding to a subpoena issued by the board; or

(f) Violating KRS Chapter 216 or 201 KAR Chapter 6, governing the practice of long-term care administration.

(2) Impaired Licensees.

(a) A licensee shall not practice as a long-term care administrator if the competency of the licensee is impaired due to a mental, emotional, psychological, pharmacologic, or substance abuse condition.

(b) If an impairment develops during the employment as a long-term care administrator, the licensee shall:

1. Terminate or suspend the employment after promptly identifying a replacement licensed by the board;

2. Notify the long-term care facility where the licensee is employed of the impairment in writing; and

3. Assist the long-term care facility in obtaining services from another licensee.

(c) Full compliance with paragraph (b) of this subsection shall not constitute a defense to an administrative charge brought against a licensee alleging violation of paragraph (a) of this subsection but may be considered by the board as a mitigating factor. (25 Ky.R. 685; Am. 1587; eff. 1-19-99; 40 Ky.R. 637; 1021; eff. 11-20-13.)