

## **902 KAR 20:041. Operation and services; family care homes.**

RELATES TO: KRS 209.030(1)- (3), 216.510-216.525, 216.532, 216B.010, 216B.015, 216B.030, 216B.105, 216B.990, 311.560(4), 314.011(8), 314.042(8), 320.210(2)

STATUTORY AUTHORITY: KRS 209.030(1), 216B.010, 216B.042

NECESSITY, FUNCTION, AND CONFORMITY: KRS 216B.042 and 216B.105 mandate that the Cabinet for Health Services regulate health facilities and health services. This administrative regulation provides for the licensure requirements for the operation of family care homes.

Section 1. Definitions. (1) "Ambulatory" means able to walk without assistance.

(2) "Home" means a family care home.

(3) "Impaired capacity for self care" means mental or physical limitation which decreases the ability to function in a normal adult manner and requires supervision, assistance, or the use of prescription medicines to normalize daily living.

(4) "Licensee" means the operator of the family care home.

(5) "Mobile nonambulatory" means unable to walk without assistance, but able to move from place to place, and self exit the building, with the use of a device such as a walker, crutches, or wheelchair and capable of independent bed-to-chair transfer.

(6) "Protective environment" means an environment in which basic health care needs, personal care needs, nutritional needs and safety are insured for the resident who is not capable of providing these services in an effective manner.

(7) "Resident" means a person who is admitted to a family care home for the purpose of receiving personal care and assistance.

Section 2. Scope of Operations and Services. A family care home shall provide twenty-four (24) hour supervision and personal care services in residential accommodations for a resident who because of impaired capacity for self care, elects to have or requires a protective environment but does not have an illness, injury, or disability for which constant medical care or skilled nursing services are required. A resident shall be ambulatory or mobile nonambulatory and able to manage most of the activities of daily living.

Section 3. Operation and Management. (1) The licensee shall be legally responsible for the operation of the home and for compliance with federal, state and local laws and regulations pertaining to the operation of the home.

(2) The licensee shall be a mature literate adult, at least eighteen (18) years of age, who has knowledge and understanding of adults who require supervision and personal care services.

(3) The licensee shall be directly responsible for the twenty-four (24) hour daily operation of the home and for delegating that responsibility to another similarly qualified individual if a temporary absence is necessary. The name of the individual to whom the responsibility may be delegated shall be in writing and provided to the representative of the Division of Licensing and Regulation inspecting the home.

(4) An employee of the home who contracts an infectious disease shall not appear for work until the infectious disease can no longer be transmitted.

(5) The licensee shall attend at least one (1) training program for family care home operators per year if offered or approved by the Cabinet for Health Services.

(6) The home shall have no more than three (3) residents who are not related to the operator within the third degree of consanguinity.

(7) The licensee shall provide opportunities for a resident to become involved in community activities and activities within the home. A resident in cooperation with the licensee and family shall

be allowed to use areas of the home, other than his bedroom, such as living rooms, kitchen, dining areas, and recreation areas for entertainment, recreation, and visitation.

(8) The licensee shall maintain a record, located on the premises and available for inspection which contains the following information typed or in ink about each resident:

- (a) Resident name and sex.
- (b) Marital status.
- (c) Birthdate and age.
- (d) Religion and personal clergyman, if any, with consent of resident.
- (e) Attending physician and dentist, if any; address and phone number for each.
- (f) Next of kin or responsible person or agency, address and telephone number.
- (g) Date of admission and discharge.
- (h) Other relevant information including physician visits or assessment reports.
- (i) Amount charged per week or month as compensation for care.

(9) The licensee shall make arrangements with other health agencies and facilities for residents who, at some time, may require a transfer to a different level of care.

(10) The licensee shall have phone numbers of a hospital, an ambulance service, fire department, and a physician for emergencies posted by the telephone in large legible print if phone service is available in the area.

(11) The licensee shall have a written procedure for providing or obtaining emergency services.

(12) The licensee shall:

(a) Make a written report of an accident involving a resident, an incident involving a resident's health, welfare or safety, and the death of a resident;

(b) Send the original, within seven (7) days of the incident, to the Cabinet for Health Services, Office of the Inspector General, Division for Licensing and Regulation, 275 East Main Street, Frankfort, Kentucky 40621; and

(c) Retain one (1) file copy.

(13) The licensee shall provide for patient rights pursuant to KRS 216.510 to 216.525.

(14) A resident shall be at least eighteen (18) years of age.

(15)(a) A representative of the Division for Licensing and Regulation shall visit the home of the applicant for initial licensure.

(b) A representative of the Department for Social Services shall:

1. Visit the home of the applicant upon notification by the Division of Licensing and Regulation; and

2. Provide the division information relating to its prelicensure assessment of the applicant.

(16) An initial license shall be denied and an existing license shall be revoked if the applicant for licensure or the licensee has been convicted of a crime that has a bearing upon the applicant's suitability to operate a family care home, unless the applicant shows that:

(a) The crime occurred more than five (5) years ago; and

(b) The applicant has been sufficiently rehabilitated.

(17) An initial license shall be denied and an existing license shall be revoked if the applicant for licensure or the licensee:

(a) Has failed to assure that nutrition, medication, or treatment of an individual under his care is in accordance with acceptable professional practice;

(b) Has aided, abetted, sanctioned, condoned or participated in the commission of an illegal act involving an individual under his care; or

(c) Has had a license to operate a facility or service suspended or revoked during the three (3) years immediately proceeding an application for licensure.

(18) The licensee shall comply with KRS 216.532.

(19) The licensee shall report all cases of abuse, neglect, or exploitation of an adult pursuant to KRS 209.030(2) and (3).

Section 4. Services. (1) Basic health and health related services.

(a) A family care home shall, through continuous supervision and monitoring, assure that a resident's health care needs are met by:

1. Supervising self-administration of medication;
2. Monitoring storage and control of medication; and
3. Arranging for necessary therapeutic or physician services.

(b) A licensee shall not knowingly admit a person who has a communicable disease which is reportable to the health department, except a noninfectious tuberculosis patient under continuing medical supervision for his tuberculosis disease.

(c) If a resident is suspected of having a communicable disease that would endanger the health and welfare of another resident, the licensee shall assure that a physician is contacted and that medically appropriate measures are taken on behalf of that resident and the other residents in the home.

(d) The licensee shall show evidence that a resident has obtained a physical examination by a physician within three (3) months prior to admission to the home. If admitted from another health care facility, a discharge summary or transfer form shall be in the resident's record which includes a medical history, record of physical examination and diagnosis.

(e) The licensee shall obtain the services of a physician in case of accident or acute illness of a resident.

(f) A prescription medication administered to a resident shall be noted in writing, with the date, time and dosage, and signed by the person administering the medication.

(g) Medication shall not be administered to a resident except on the written order of a physician or other practitioner acting within the limits of his statutory scope of practice. If medication requires administration by a licensed person, an arrangement shall be made to procure the services of a person licensed to administer medication.

(h) A medication kept in the home shall be kept in a locked cabinet.

(i) Self-administration of a prescription medication shall be allowed only upon the written instruction of the attending physician or other practitioner acting within the limits of his statutory scope of practice.

(j) A resident admitted or retained for care shall not require because of illness, injury or disease, a degree of care exceeding the skill of the operator to provide.

(2) Personal care services.

(a) A resident in a family care home shall be assisted to achieve and maintain good personal hygiene by providing assistance as required by individual needs with:

1. Washing and bathing of the body to maintain clean skin and freedom from offensive odors with the following items provided for each resident and not used by others: soap, clean towels and wash cloths, brushes and combs and other appropriate toilet articles.

2. Shaving.

3. Cleaning of the mouth and teeth to maintain good oral hygiene as well as care of the lips to prevent dryness and cracking. A resident shall be provided with a toothbrush, dentifrice, and denture container, if applicable.

4. Washing, grooming and cutting of hair.

(b) The home shall provide each resident with a bureau or cupboard for storage of personal belongings.

(c) The home shall provide each resident with a bed equipped with substantial springs, a clean comfortable mattress, two (2) sheets, a pillow, and bed covering as required for resident's health

and comfort.

(d) A resident shall be allowed rest periods in his own bed if he desires.

(3) Dietary services.

(a) Food shall be prepared with consideration for individual dietary requirements and appetites.

(b) The menu shall be planned in writing and rotated to avoid repetition. A written record shall be kept of foods served, including food offered as snacks.

(c) Nutritional needs shall be met in accordance with the current recommended dietary allowances of the Food and Nutrition Board of the National Research Council and adjusted for age, sex, and activity in accordance with physician's orders.

(d) Food returned from residents' dishes shall be discarded at the conclusion of the meal and not served again in any form.

(e) Therapeutic diets. A special diet or dietary restriction shall be medically prescribed.

(f) At least three (3) meals per day shall be served with not more than a fifteen (15) hour span between the evening meal and breakfast. A snack shall be provided if desired or requested by a patient, except if it conflicts with a special diet prescribed by a licensed physician.

(g) Food shall be stored above the floor so as to be protected from dust, flies, vermin, or other forms of contamination.

(h) Each refrigerator shall have a complete seal, be clean, free of odors, and kept at a temperature below forty-five (45) degrees Fahrenheit. A thermometer shall be placed in each refrigerator and freezer.

(i) Food showing evidence of spoilage or infestation shall be disposed of immediately upon detection.

(4) Housekeeping and sanitation. Each family care home shall:

(a) Maintain a clean, uncluttered and safe facility with screens on doors and windows;

(b) Eliminate odors at their source by prompt and thorough cleaning of commodes, and other obvious sources;

(c) Maintain the premises so as to prevent infestation by rodents and insects;

(d) Change bed linens as often as necessary to provide a clean bed at all times. A mattress pad or other protective covering (excluding paper) shall be used on mattresses;

(e) Give soiled clothing and linens immediate attention and not allow them to accumulate. Clothing or bedding used by one (1) patient shall not be used by another until it has been laundered or dry cleaned;

(f) Have appropriate toilet facilities which dispose of wastes in a sanitary manner into a public system where available, or if none is available, disposal shall be made into a private system designed, constructed and operated in accordance with the requirements of the cabinet; except if a public sewerage system subsequently becomes available, connections shall be made to that system and any other sewerage system shall be discontinued. An outside toilet shall be allowed if local county health department approves; and

(g) Collect and dispose of all garbage, refuse, trash, and litter in compliance with applicable state and local laws and administrative regulations. A garbage container shall be made of metal or other impervious material and shall be water tight and rodent proof and shall have tight-fitting covers.

Section 5. Accommodations. Each family care home shall:

(1) Be safe and of substantial construction and comply with applicable state and local laws relating to location, zoning, plumbing, and sanitation.

(2) Be adequately lighted by natural or artificial light including each hall, stairway, entryway, patient area, kitchen, and bathroom.

(3) Have a water supply of a safe, sanitary quality approved by the local health department or

other qualified laboratory or agency.

(4) Have an ample supply of hot and cold running water available at all times for general use. The water temperature at a tap used by a resident shall not exceed 110 degrees Fahrenheit.

(5) Have appropriate sanitary toilet and bathing facilities conveniently available for resident use with no less than one (1) toilet and lavatory per six (6) persons residing in the home.

(6) Have adequate ventilation in areas used by residents. A toilet room shall be vented to the outside, if there is no window. There shall be an exterior window in each resident room, which can be opened.

(7) A bed occupied by a resident shall be placed so that the resident shall not experience discomfort due to proximity to a radiator, heat outlet, or exposure to drafts.

(8) Not use "bunk" beds.

(9) Have beds that are no less than thirty-three (33) inches wide and six (6) feet long.

(10) Not house a resident in a room or detached building or other enclosure that has not been previously inspected and approved for resident use, or in a basement not constructed for sleeping quarters. An approved basement shall have an outside door.

(11) Not be located in a house trailer or motor home.

(12) Provide a heating system which can maintain an even temperature of at least seventy-two (72) degrees Fahrenheit in resident occupied areas under winter conditions and a maximum temperature of eighty-five (85) degrees under summer conditions.

(13) Have telephone service, if available in the area, accessible to the residents.

(14) If the home accepts a resident who uses a wheelchair, insure that the resident is able to exit the building without assistance (i.e., ramps, rails, etc.).

(15) Have a three (3) day supply of food on hand at all times.

Section 6. Safety. Each home shall take appropriate precautions to insure the safety of the residents and visitors by having:

(1) Exterior grounds including sidewalks, steps, porches, ramps, and fences in good repair;

(2) The home's interior including walls, ceilings, floors, floor coverings, steps, windows, window coverings, doors, plumbing, and electrical fixtures in good repair;

(3) A fire control and evacuation plan;

(4) An adequate number of ABC-rated fire extinguishers located throughout the home with a minimum of one (1) per floor or level of the residence;

(5) A person in charge thoroughly oriented in the evacuation of the residents in the event of a fire;

(6) Firearms and ammunition locked in a cabinet, drawer, or closet with the key not accessible to residents. Firearms shall not be loaded; and

(7) At least two (2) functioning smoke detectors in the home, one of which shall be in each resident bedroom or in a hall adjacent to the resident bedroom. (8 Ky.R. 232; eff. 11-5-1981; 11 Ky.R. 1183; eff. 3-12-1985; 18 Ky.R. 820; eff. 10-16-1991; 23 Ky.R. 2863; eff. 2-19-1997; 25 Ky.R. 1722; 2165; eff. 3-17-1999; Crt eff. 4-30-2019.)