

**CABINET FOR HEALTH AND FAMILY SERVICES**  
**Office of Inspector General**  
**Division of Health Care**  
**(Amendment)**

**902 KAR 20:300. Operation and services; nursing facilities.**

RELATES TO: KRS 194A.705(2)(c), 209.030(2)-(4), 209.032, 216.510-216.525, 216.532, 216.535, 216.540, 216.543, 216.545, 216.547, 216.785-216.793, 42 C.F.R. 483.1-483.95

STATUTORY AUTHORITY: KRS 216B.042

NECESSITY, FUNCTION, AND CONFORMITY: KRS 216B.042 requires the Cabinet for Health and Family Services to promulgate administrative regulations necessary for the proper administration of the licensure function, which includes establishing licensure standards and procedures to ensure safe, adequate, and efficient health facilities and health services. This administrative regulation establishes minimum licensure requirements for the operation of and services provided by nursing facilities.

**Section 1. Scope of Operations and Licensure.**

(1) A nursing facility licensed under this administrative regulation shall comply with federal, state, and local laws and regulations pertaining to the operation of the facility, including compliance with the laws and regulations specified in this subsection.

(a) A nursing facility shall comply with the requirements of 42 C.F.R. 483.1-483.95.

(b) A nursing facility shall not be operated by or employ any person who is listed on the:

1. Nurse aide abuse registry pursuant to KRS 216.532; or

2. Caregiver misconduct registry established by KRS 209.032 and 922 KAR 5:120.

(c) A nursing facility shall comply with the preemployment criminal background check requirements of KRS 216.785 - 216.793.

(d) A nursing facility shall comply with the tuberculosis (TB) testing requirements established by:

1. 902 KAR 20:200; and

2. 902 KAR 20:205;

(e) A nursing facility shall ensure that the rights of residents are protected in accordance with KRS 216.515 - 216.520.

(f) A nursing facility shall conspicuously display the posters required by KRS 216.525 that detail how an individual may make a written or oral complaint to the cabinet.

(g) A nursing facility shall provide the information required by KRS 216.535(3) upon admission of a nursing facility resident.

(h) A nursing facility shall comply with the requirements for access to the facility pursuant to KRS 216.540(2) - (5).

(i) A nursing facility shall comply with the posting requirements of KRS 216.543.

(j) Upon admission, a nursing facility shall provide a copy of the statement required by KRS 216.545(2) to the resident, resident's family member, or guardian.

(k) A nursing facility shall comply with the requirements for public inspection of the information and documents identified in KRS 216.547(1).

(l) A nursing facility shall comply with the license procedures and fee schedule established by 902 KAR 20:008.

(m) A nursing facility shall maintain written policies that assure the reporting of cases of abuse, neglect, or exploitation of adults pursuant to KRS 209.030(2) - (4).

(n) A nursing facility may allow an unlicensed staff person to administer medication in accordance with KRS 194A.705(2)(c) and 201 KAR 20:700 as follows:

1. Medication administration is delegated to the unlicensed staff person by an available nurse;
2. If administration of oral or topical medication is delegated, the unlicensed staff person shall have a:
  - a. Certified medication aide I credential from a training and skills competency evaluation program approved by the Kentucky Board of Nursing (KBN); or
  - b. Kentucky medication aide credential from the Kentucky Community and Technical College System (KCTCS); and
3. If administration of a preloaded insulin injection is delegated in addition to oral or topical medication, the unlicensed staff person shall have a certified medication aide II credential from a training and skills competency evaluation program approved by KBN.

(2) A nursing facility may participate in the Kentucky National Background Check Program established by 906 KAR 1:190 to satisfy the background check requirements of subsection (1)(b) and (c) of this section.

(17 Ky.R. 2319; 2730; 3121; eff. 5-3-1991; 45 Ky.R. 1117; eff. 12-12-2018; 50 Ky.R. 179; eff. 12-13-2023.)

*ADAM MATHER, Inspector General*  
*ERIC C. FRIEDLANDER, Secretary*

APPROVED BY AGENCY: May 26, 2023

FILED WITH LRC: June 7, 2023 at 2:35 p.m.

**PUBLIC HEARING AND COMMENT PERIOD:** A public hearing on this administrative regulation shall, if requested, be held on August 21, 2023, at 9:00 a.m. using the CHFS Office of Legislative and Regulatory Affairs Zoom meeting room. The Zoom invitation will be emailed to each requestor the week prior to the scheduled hearing. Individuals interested in attending this virtual hearing shall notify this agency in writing by August 14, 2023, five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who attends virtually will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on this proposed administrative regulation until August 31, 2023. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to the contact person. Pursuant to KRS 13A.280(8), copies of the statement of consideration and, if applicable, the amended after comments version of the administrative regulation shall be made available upon request.

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