Technical Amendment
August 29, 2023

900 KAR 6:125. Certificate of need annual surveys.

RELATES TO: KRS 216B.015
STATUTORY AUTHORITY: KRS 216B.040(3)(a)
NECESSITY, FUNCTION, AND CONFORMITY: KRS 216B.040(3)(a) authorizes the Cabinet for Health and Family Services to issue administrative regulations necessary for the proper administration of KRS Chapter 216B.This administrative regulation establishes the requirements for submission of annual survey data to the cabinet for publication of annual reports necessary for the orderly administration of the Certificate of Need Program.

Section 1. Definitions.
(1) "Cabinet" is defined by KRS 216B.015(6).
(2) "Days" means calendar days, unless otherwise specified.
(3) "Long term care facility" means any entity with licensed long term care beds including nursing facility, nursing home, intermediate care, Alzheimer's, intermediate care facility for individuals with and intellectual disability, or personal care.
(4) "Office of Inspector General" means the office within the Cabinet for Health and Family Services that is responsible for licensing health facilities and services.
(5) "Owner" means a person as defined in KRS 216B.015(22) who is applying for the certificate of need and will become the licensee of the proposed health service or facility.
(6) "Year" means a calendar year from January 1 through December 31.

Section 2. Entities Completing Surveys. If requested by the cabinet, the following entities shall submit annual utilization surveys:
(1) Licensed ambulatory surgery center;
(2) Licensed hospital performing ambulatory surgery services;
(3) Licensed home health agency;
(4) Licensed hospice;
(5) Licensed hospital;
(6) Licensed private duty nursing agency;
(7) Licensed long term care facility;
(8) Licensed facility or service with MRI equipment;
(9) Licensed facility with megavoltage radiation equipment;
(10) Licensed psychiatric residential treatment facility;
(11) Licensed facility or service with positron emission tomography equipment; and
(12) Licensed chemical dependency treatment facility.

Section 3. Annual Survey Submission. An annual survey, if requested by the cabinet, shall be completed for the previous year and transmitted electronically by accessing the Office of Inspector General's Web site at https://www.chfs.ky.gov/agencies/os/oig/dcn/Pages/annualreports.aspx

Section 4. If requested by the cabinet, an annual survey shall be completed and submitted no later than March 15th of each year. If the 15th falls on a weekend or holiday, the submission due date shall be the next working day.

Section 5. Extensions for Survey Submission.
(1) A request for an extension for submission of data shall be made in writing or via email to the Office of Inspector General.
(2) The request for an extension shall state the facility name, survey log-in identification number, contact person, contact phone number, contact email address, and a detailed reason for the requested extension.

(3) One (1) extension per survey of up to ten (10) days shall be granted.

(4) An additional extension shall only be granted if circumstances beyond the entity's control prevents timely completion of a survey.

Section 6. Data Corrections to Draft Annual Reports Utilizing Data Submitted in the Annual Surveys.

(1)

(a) Prior to the release of a draft report to a facility for its review, the Office of Inspector General shall review data for completeness and accuracy.

(b) If an error is identified, the facility shall be contacted by the Office of Inspector General and allowed fourteen (14) days to make corrections.

(2)

(a) Prior to publication of the reports, the Office of Inspector General shall publish draft reports available only to the entities included in each individual report.

(b) Each facility shall be notified of a Web site and provided with a login identification and password required to access each applicable draft report and shall have fourteen (14) days to review the data for errors.

(c) Corrections shall be submitted in writing or via email to the Office of Inspector General before the expiration of the fourteen (14) day review period.

(3)

(a) After publication of the reports, reports shall not be revised as a result of data reported to the Office of Inspector General incorrectly by the facility.

(b) Corrections received after the fourteen (14) day review period shall not be reflected in the published report.

(c) A facility may provide a note in the comments section for the following year's report, referencing the mistake from the previous year.

Section 7. Annual Reports.

(1) Utilizing data submitted in the annual surveys, the Office of Inspector General shall publish reports annually.

(2) Electronic copies of annual reports may be obtained at no cost from the Office of Inspector General's Web site at https://www.chfs.ky.gov/agencies/os/oig/dcn/Pages/annualreports.aspx. A paper copy may be obtained for a fee of twenty (20) dollars at the Cabinet for Health and Family Services, Office of Inspector General275 East Main Street 5EA, Frankfort, Kentucky 40621.

Section 8. A facility that fails to complete a required annual survey shall be referred to the Office of Inspector General for further action which may impact the facility's license renewal as provided for in 902 KAR 20:008, Section 2(14)(b)4.

(36 Ky.R. 232; 804; eff. 10-21-2009; 2258; 37 Ky.R. 380; eff. 8-18-2010; 37 Ky.R. 1605; 2223; 2400; eff. 5-6-2011; 38 Ky.R. 1395; 1736; eff. 5-4-2012; 39 Ky.R. 860; 1166; eff. 12-11-2012; 40 Ky.R. 179; 547; eff. 9-18-2013; TAm 12-16-2013; 41 Ky.R. 192; eff. 9-17-2014; 43 Ky.R. 2225; 44 Ky.R. 246; eff. 9-20-2017; TAm eff. 10-2-2019; TAm eff. 8-29-2023; Cert eff. 7-18-2024.)