

194A.700 Definitions for KRS 194A.700 to 194A.729.

As used in KRS 194A.700 to 194A.729:

- (1) "Activities of daily living" means normal daily activities, including but not limited to bathing, dressing, grooming, transferring, toileting, and eating;
- (2) "Ambulatory" means able to walk, transfer, or move from place to place with or without hands-on assistance of another person, and with or without an assistive device, including but not limited to a walker or a wheelchair;
- (3) "Assistance with activities of daily living and instrumental activities of daily living" means any assistance provided by the assisted living community staff with the resident having at least minimal ability to verbally direct or physically participate in the activity with which assistance is being provided;
- (4) "Assistance with self-administration of medication," unless subject to more restrictive provisions in an assisted living community's policies that are communicated in writing to residents and prospective residents, means:
 - (a) Assistance with medication that is prepared or directed by the resident, the resident's designated representative, or a licensed health care professional who is not the owner, manager, or employee of the assisted living community. The medication shall:
 1. Except for ointments, be preset in a medication organizer or be in a single dose unit;
 2. Include the resident's name on the medication organizer or container in which the single dose unit is stored; and
 3. Be stored in a manner requested in writing by the resident or the resident's designated representative and permitted by the assisted living community's policies;
 - (b) Assistance by an assisted living community staff person, which includes:
 1. Reminding a resident when to take medications and observing to ensure that the resident takes the medication as directed;
 2. Handing the resident's medication to the resident, or if it is difficult for the resident or the resident requests assistance, opening the unit dose or medication organizer, removing the medication from a medication organizer or unit dose container, closing the medication organizer for the resident, placing the dose in a container, and placing the medication or the container in the resident's hand;
 3. Steadying or guiding a resident's hand while the resident is self-administering medications; or
 4. Applying over-the-counter topical ointments and lotions;
 - (c) Making available the means of communication by telephone, facsimile, computer, or other electronic device with a licensed health care professional and pharmacy regarding a prescription for medication;
 - (d) At the request of the resident or the resident's designated representative, facilitating the filling of a preset medication container by a designated

representative or licensed health care professional who is not the owner, manager, or employee of the assisted living community; and

- (e) None of the following:
 - 1. Instilling eye, ear, or nasal drops;
 - 2. Mixing compounding, converting, or calculating medication doses;
 - 3. Preparing syringes for injection or administering medications by any injection method;
 - 4. Administering medications through intermittent positive pressure breathing machines or a nebulizer;
 - 5. Administering medications by way of a tube inserted in a cavity of the body;
 - 6. Administering parenteral preparations;
 - 7. Administering irrigations or debriding agents used in the treatment of a skin condition; or
 - 8. Administering rectal, urethral, or vaginal preparations;
- (5) "Assisted living community" means a licensed facility that provides sleeping accommodations and assisted living services set forth in the assisted living community's lease and policies for five (5) or more adult persons not related within the third degree of consanguinity to the owner or manager;
- (6) "Assisted living community with dementia care" means an assisted living community that is advertised, marketed, or otherwise promoted as providing specialized care for individuals with Alzheimer's disease or other dementia illnesses and disorders. An assisted living community with a secured dementia care unit shall be licensed as an assisted living community with dementia care;
- (7) "Assisted living services" means one (1) or more of the following services:
 - (a) Assisting with activities of daily living, including but not limited to bathing, dressing, grooming, transferring, toileting, and eating;
 - (b) Assisting with instrumental activities of daily living that support independent living, including but not limited to housekeeping, shopping, laundry, chores, transportation, and clerical assistance;
 - (c) Providing standby assistance;
 - (d) Providing verbal or visual reminders to the resident to take regularly scheduled medication, including bringing the resident previously set up medication, medication in original containers, or liquid or food to accompany the medication;
 - (e) Providing verbal or visual reminders to the resident to perform regularly scheduled treatments and exercises;
 - (f) Preparing and serving three (3) meals per day consisting of regular or modified diets ordered by a licensed health professional;
 - (g) Providing the services of an advanced practice registered nurse, registered nurse, licensed practical nurse, physical therapist, respiratory therapist,

occupational therapist, speech pathologist, dietitian or nutritionist, or social worker;

- (h) Tasks delegated to unlicensed personnel by a registered nurse or assigned by a licensed health professional within the person's scope of practice;
 - (i) Assistance with self-administration of medication;
 - (j) Medication management;
 - (k) Hands-on assistance with transfers and mobility, including use of gait belts;
 - (l) Treatments and therapies;
 - (m) Assisting residents with eating when the residents have complicated eating problems such as difficulty swallowing or recurrent lung aspirations as identified in the resident record or through an assessment;
 - (n) Scheduled daily social activities that address the general preferences of residents; and
 - (o) Other basic health and health-related services;
- (8) "Basic health and health-related services" means:
- (a) Monitoring and providing for the resident's health care needs;
 - (b) Storage and control of medications, other than as requested by a resident or a resident's designated representative;
 - (c) Administration of medications; and
 - (d) Arranging for therapeutic services ordered by the resident's health care practitioner, if the services are not available in the assisted living community;
- (9) "Cabinet" means the Cabinet for Health and Family Services;
- (10) "Dementia" means the loss of cognitive function, including the ability to think, remember, problem solve, or reason, of sufficient severity to interfere with an individual's daily functioning;
- (11) "Dementia care services" means ongoing care for behavioral and psychological symptoms of dementia, including but not limited to planned group and individual programming and person-centered care practices to support daily living activities for people living with dementia;
- (12) "Dementia-trained staff" means any employee who has completed the minimum training required by KRS 194A.7205 and has demonstrated knowledge and the ability to support individuals with dementia;
- (13) "Hands-on assistance" means physical help by another person without which the resident is not able to perform the activity;
- (14) "Health services" has the same meaning as in KRS 216B.015;
- (15) "Instrumental activities of daily living" means activities to support independent living including but not limited to housekeeping, shopping, laundry, chores, transportation, and clerical assistance;
- (16) "Living unit" means a portion of an assisted living community occupied as the living quarters of a resident under a lease agreement;
- (17) "Medication administration" means:

- (a) Checking the resident's medication record;
 - (b) Preparing the medication as necessary;
 - (c) Administering the medication to the resident;
 - (d) Documenting the administration or reason for not administering the medication; and
 - (e) Reporting to a nurse or appropriate licensed health professional any concerns about the medication, the resident, or the resident's refusal to take the medication;
- (18) "Medication management" means the provision of any of the following medication-related services to a resident:
- (a) Performing medication setup;
 - (b) Administering medications;
 - (c) Storing and securing medications;
 - (d) Documenting medication activities;
 - (e) Verifying and monitoring the effectiveness of systems to ensure safe handling and administration;
 - (f) Coordinating refills;
 - (g) Handling and implementing changes to prescriptions;
 - (h) Communicating with the pharmacy about the resident's medications; and
 - (i) Coordinating and communicating with the prescriber;
- (19) "Medication setup" means arranging medications by a nurse, pharmacy, or authorized prescriber for later administration by the resident or by facility staff;
- (20) "Nonambulatory" means unable to walk, transfer, or move from place to place with or without hands-on assistance of another person, and with or without an assistive device, including but not limited to a walker or a wheelchair;
- (21) "Person-centered care" means respecting and valuing the individual, providing individualized care that reflects the individual's changing needs, understanding the perspective of the person, and providing supportive opportunities for social engagement;
- (22) "Resident" means an adult person who has entered into a lease agreement with an assisted living community;
- (23) "Secured dementia care unit" means a designated area or setting designed for individuals with dementia that is secured in compliance with the applicable life safety code to prevent or to limit a resident's ability to exit the secured area or setting. A secured dementia care unit is not solely an individual resident's living area;
- (24) "Service plan" means the written plan agreement between the resident and the licensee about services that will be provided to the resident;
- (25) "Standby assistance" means minimizing the risk of injury to a resident who is performing daily activities by a person who is within arm's reach providing physical intervention, cueing, or oversight;

- (26) "Temporary condition" means a condition that affects a resident as follows:
- (a) The resident is not ambulatory before or after entering a lease agreement with the assisted living community but is expected to regain ambulatory ability within six (6) months of loss of ambulation, as documented by a licensed health care professional, and the assisted living community has a written plan in place to mitigate risk; or
 - (b) The resident is not ambulatory after entering a lease agreement with the assisted living community but is not expected to regain ambulatory ability, hospice services are provided by a hospice program licensed under KRS Chapter 216B or other end-of-life services are provided by a licensed health care provider in accordance with KRS 194A.705, as documented by a licensed hospice program or other licensed health care professional, and the assisted living community has a written plan in place to mitigate risk; and
- (27) "Unlicensed personnel" means individuals not otherwise licensed or certified by a governmental health board or agency who provide services to a resident.

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History: Amended 2022 Ky. Acts ch. 20, sec. 1, effective July 14, 2022. -- Amended 2010 Ky. Acts ch. 36, sec. 1, effective July 15, 2010. -- Amended 2007 Ky. Acts ch. 24, sec. 7, effective June 26, 2007. -- Amended 2005 Ky. Acts ch. 99, sec. 161, effective June 20, 2005. -- Created 2000 Ky. Acts ch. 141, sec. 1, effective July 14, 2000.