

216.597 Definitions -- Personal care homes and specialized personal care homes requirements -- Services provided -- Administrative regulations -- On-site visits.

- (1) As used in this section:
 - (a) "Cabinet" means the Cabinet for Health and Family Services;
 - (b) "Personal care home" or "PCH" means an establishment located in a permanent building that does not comply with the physical plant requirements of KRS 194A.703, has resident beds, and provides:
 1. Supervision of residents;
 2. Basic health and health-related services;
 3. Personal care services;
 4. Residential care services; and
 5. Social and recreational activities; and
 - (c) "Specialized personal care home" or "SPCH" means a personal care home that:
 1. Participates in the mental illness or intellectual disability supplement program pursuant to administrative regulations promulgated by the cabinet; or
 2. Serves residents with thirty-five percent (35%) or more having a serious mental illness as defined by administrative regulations promulgated by the cabinet.
- (2) A resident in a PCH or SPCH shall:
 - (a) Be admitted in accordance with KRS 216.765;
 - (b) Be ambulatory as defined by KRS 194A.700;
 - (c) Be able to manage most of the activities of daily living; and
 - (d) Have care needs that do not exceed the capability of the PCH or SPCH.
- (3) An individual who is nonambulatory as defined in KRS 194A.700 shall not be eligible for residence in a PCH or SPCH.
- (4) A PCH or SPCH may provide services to a resident who is deemed to have a temporary condition as defined in KRS 194A.700.
- (5)
 - (a) Residents of a PCH or SPCH may arrange for additional services under direct contract or arrangement with an outside agent, professional, provider, or other individual designated by the resident if permitted by the policies of the PCH or SPCH.
 - (b) Permitted services for which a resident may arrange or contract include but are not limited to health services, hospice services provided by a hospice program licensed under KRS Chapter 216B, and other end-of-life services.
- (6)
 - (a) Staffing in a PCH or SPCH shall be sufficient in number and qualification to meet the twenty-four (24) hour scheduled needs of each resident.
 - (b) One (1) awake staff member shall be on site at each licensed entity at all

times.

- (c) When a resident requires hands-on assistance of another person to walk, transfer, or move from place to place with or without an assistive device, the PCH or SPCH shall have a policy that describes how priority will be given by staff sufficient to assist that resident during times of emergency when evacuation may be necessary.
- (7)
- (a) The cabinet shall promulgate administrative regulations in accordance with KRS Chapter 13A to establish an initial and relicensure review process for personal care homes or specialized personal care homes. Administrative regulations shall establish procedures related to applying for, reviewing, and approving, denying, or revoking licensure, as well as the conduct of hearings upon appeals as governed by KRS Chapter 216B.
 - (b) Notwithstanding any provision of law to the contrary, the cabinet may request additional relevant information from a personal care home or specialized personal care home or conduct additional on-site visits to ensure compliance with the provisions of this chapter and other applicable statutes and administrative regulations if the cabinet has reasonable cause to believe that the personal care home or specialized personal care home is not in compliance.
 - (c) Notwithstanding KRS 216.530, the cabinet shall conduct an on-site visit of a personal care home or specialized personal care home:
 - 1. As part of the initial licensure review process;
 - 2. Twenty-four (24) months following the date of the previous licensure review, if during the previous licensure review a personal care home or specialized personal care home was not found to have violated an administrative regulation set forth by the cabinet that presented imminent danger to a resident that created substantial risk of death or serious mental or physical harm; and
 - 3. Twelve (12) months following the date of the previous licensure review, if during the previous licensure review a personal care home or specialized personal care home was found to have violated an administrative regulation set forth by the cabinet that presented imminent danger to a resident that created substantial risk of death or serious mental or physical harm.

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