

**216.505 Essential personal care visitors to health facility, health service, Medicaid waiver service, or psychiatric residential treatment facility -- Requirements -- Administrative regulations.**

- (1) As used in this section:
  - (a) "Health facility" has the same meaning as in KRS Chapter 216B;
  - (b) "Health service" has the same meaning as in KRS Chapter 216B;
  - (c) "Medicaid waiver service" means a medical service provided under the acquired brain injury, the Michelle P. waiver, the supports for community living, or the home and community based waiver programs; and
  - (d) "Psychiatric residential treatment facility" has the same meaning as in KRS 216B.450.
- (2) Notwithstanding any state law to the contrary, the Cabinet for Health and Family Services shall require a health facility, health service, Medicaid waiver service, or psychiatric residential treatment facility to permit in-person resident visitation by at least one (1) essential personal care visitor, including a family member, legal guardian, outside caregiver, friend, or volunteer who is important to the mental, physical, or social well-being of the resident.
- (3) The cabinet shall, within fourteen (14) days of the March 22, 2023, promulgate administrative regulations in accordance with KRS Chapter 13A that, subject to applicable federal requirements:
  - (a) Establish procedures for a resident to designate at least one (1) essential personal care visitor and procedures to change the designated essential personal care visitor;
  - (b) Exempt an essential personal care visitor, including during a communicable disease outbreak in a health facility, health service, Medicaid waiver service, or psychiatric residential treatment facility, regardless of the resident's communicable disease status, from any prohibitions on visiting a resident of a health facility, health service, Medicaid waiver service, or psychiatric residential treatment facility other than the requirements in this subsection;
  - (c) Require an essential personal care visitor to follow safety protocols of the health facility, health service, Medicaid waiver service, or psychiatric residential treatment facility;
  - (d) Require an essential personal care visitor to assume a risk of contracting communicable diseases, provided the health facility, health service, Medicaid waiver service, or psychiatric residential treatment facility is compliant with the Kentucky Department for Public Health guidelines;
  - (e) Permit a health facility, health service, Medicaid waiver service, or psychiatric residential treatment facility to require a written visitation agreement with an essential personal care visitor;
  - (f) Permit a health facility, health service, Medicaid waiver service, or psychiatric residential treatment facility to limit visitation of an essential personal care visitor to the resident or residents he or she is approved to visit;
  - (g) Permit a health facility, health service, Medicaid waiver service, or

psychiatric residential treatment facility to limit the total number of essential personal care visitors allowed in the health facility, health service, Medicaid waiver service, or psychiatric residential treatment facility at any one (1) time; and

- (h) Except as provided in this section, do not require a health facility, health service, Medicaid waiver service, or psychiatric residential treatment facility to permit an in-person visitor at all times.

**Effective:** March 22, 2023

**History:** Amended 2023 Ky. Acts ch. 47, sec. 1, effective March 22, 2023. -- Created 2022 Ky. Acts ch. 10, sec. 1, effective February 7, 2022.