

**216.722 Minimum requirements of health care services agency -- Penalties.**

- (1) A health care services agency shall:
  - (a) Retain documentation that each temporary direct care staff contracted with or employed by the agency meets the minimum licensing, certification, training, and continuing education standards for his or her position;
  - (b) Comply with all pertinent requirements relating to the health and other qualifications of personnel employed in assisted living communities, long-term care facilities, or hospitals;
  - (c) Carry all professional and general liability insurance coverage to insure against loss, damage, or expense incident to a claim arising out of the death or injury of any person as the result of negligence or malpractice in the provision of direct care services by the health care services agency or any temporary direct care staff;
  - (d) Carry an employee dishonesty bond in the amount of ten thousand dollars (\$10,000);
  - (e) Maintain coverage for workers' compensation for all temporary direct care staff; and
  - (f) Retain all records for five (5) calendar years and make all records immediately available to the cabinet upon request.
- (2) Failure to comply with subsection (1) of this section shall result in:
  - (a) Denial of an application for registration or registration renewal; or
  - (b) Revocation of registration and a monetary penalty in the amount of twenty-five thousand dollars (\$25,000).
- (3) If the cabinet determines that a health care services agency has knowingly provided to an assisted living community, a long-term care facility, or a hospital temporary direct care staff who have illegally or fraudulently obtained or been issued a diploma, registration, license, certification, or criminal background check, the cabinet shall immediately notify the agency that its registration will be revoked in fifteen (15) days.

**Effective:** June 29, 2023

**History:** Amended 2023 Ky. Acts ch. 61, sec. 2, effective June 29, 2023. -- Created 2022 Ky. Acts ch. 110, sec. 3, effective July 14, 2022.