

1 AN ACT relating to long-term care.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF KRS 216.510 TO 216.595 IS CREATED
4 TO READ AS FOLLOWS:

5 *(1) All employees in the Cabinet for Health and Family Services, Office of Inspector*
6 *General, shall sign a Conflict of Interest and Confidentiality Statement upon hire*
7 *and on an annual basis thereafter. The Conflict of Interest and Confidentiality*
8 *Statement shall read as follows:*

9 *"The Cabinet for Health and Family Services, Office of Inspector General,*
10 *strives to maintain the highest standards of integrity, and it is vital that the*
11 *public and all those we serve be confident of our commitment and work*
12 *product. The Commonwealth is responsible for implementing preventive*
13 *measures to protect the integrity of the certification program of the Centers*
14 *for Medicare and Medicaid Services. By signing this Conflict of Interest*
15 *and Confidentiality Statement, the undersigned has declared that he or she*
16 *has no outside interests that could in any way create a conflict or potential*
17 *for gain, monetary or otherwise, when fulfilling the duties assigned by the*
18 *Cabinet for Health and Family Services, Office of Inspector General. The*
19 *undersigned attests that he or she will not disclose any information related*
20 *to the survey process or investigation of any long-term care facility to any*
21 *person or entity outside the Cabinet for Health and Family Services."*

22 *(2) Any employee of the Cabinet for Health and Family Services, Office of Inspector*
23 *General, who violates the Conflict of Interest and Confidentiality Statement*
24 *established in subsection (1) of this section, unless specifically mandated by*
25 *federal or state regulations or laws, shall be subject to discipline, dismissal,*
26 *suspension or demotion.*

27 ➔Section 2. KRS 216.590 is amended to read as follows:

- 1 (1) The cabinet shall provide training for surveyors and investigators who perform
2 duties related to KRS 216.537 to 216.590.
- 3 (2) Surveyor and investigator training shall also include, but not be limited to, the
4 interview techniques that:
- 5 (a) Promote fair and unbiased interviews, and allow the surveyor to reach a
6 conclusion only after all the evidence is gathered and reviewed;
- 7 (b) Involve long-term care residents, which shall include the:
- 8 1. Right of a resident with a primary or secondary diagnosis of dementia
9 or Alzheimer's to refuse to speak with the long-term care surveyor or
10 investigator; and
- 11 2. Right of a resident to request the attendance of the resident's power of
12 attorney and/or health care surrogate during the interview; and
- 13 (c) Involve long-term care employee interviews that recognize the employee's
14 right to have his or her supervisor or management attend the interview.