

1 AN ACT relating to long-term care facilities.

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

3 ➔Section 1. KRS 216.510 is amended to read as follows:

4 As used in KRS 216.515 to 216.530:

5 (1) ***"Cabinet" means the Cabinet for Health and Family Services;***

6 (2) "Long-term-care facilities" means those health-care facilities in the Commonwealth
7 which are defined by the Cabinet for Health and Family Services to be family-care
8 homes, personal-care homes, intermediate-care facilities, nursing facilities, nursing
9 homes, and intermediate care facilities for individuals with intellectual disabilities;

10 (3)~~(2)~~ "Resident" means any person who is admitted to a long-term-care facility as
11 defined in KRS 216.515 to 216.530 for the purpose of receiving personal care and
12 assistance; and

13 (4) ***"Restraint" means any pharmaceutical agent or physical or mechanical device***
14 ***used to restrict the movement of a patient or the movement of a portion of a***
15 ***patient's body***~~(3) — "Cabinet" means the Cabinet for Health and Family~~
16 ~~Services}.~~

17 ➔SECTION 2. A NEW SECTION OF KRS 216.510 TO KRS 216.530 IS
18 CREATED TO READ AS FOLLOWS:

19 (1) ***All licensed long-term care facilities in the Commonwealth shall give each***
20 ***resident, or the resident's legal guardian, patient advocate, or other legal***
21 ***representative, who uses a hospital-type bed the option of using bed rails as a***
22 ***daily safety restraint. The option shall be offered to new residents upon admission***
23 ***and to existing residents upon request.***

24 (2) ***Upon receipt of a request to use bed rails, the long-term care facility shall inform***
25 ***the resident, or the resident's legal guardian, patient advocate, or other legal***
26 ***representative, of alternatives to, and the risks involved in, using bed rails.***

27 (3) ***If a resident, or the resident's legal guardian, patient advocate, or other legal***

1 representative, consents to the use of bed rails, the long-term care facility shall
 2 monitor the resident's use of the bed rails, and, in consultation with the
 3 individual who consented to the bed rails, reevaluate the resident's need for the
 4 bed rails.

5 (4) If a resident, or the resident's legal guardian, patient advocate, or other legal
 6 representative, chooses to use bed rails, the long-term care facility may require
 7 the resident, or the resident's legal guardian, patient advocate, or other legal
 8 representative, to sign a statement waiving the right to file a civil action for
 9 damages for an injury caused by the use of the bed rails, if the injury was not the
 10 result of negligence on the part of the long-term care facility or its employees.

11 (5) The cabinet shall promulgate within ninety (90) days of the effective date of this
 12 Act an administrative regulation in accordance with KRS Chapter 13A to
 13 implement this section.

14 ➔Section 3. KRS 304.14-560 is amended to read as follows:

15 (1) The commissioner of insurance shall biennially compile a consumer's guide to long-
 16 term care insurance in Kentucky. The consumer's guide shall cover all insurers
 17 offering health insurance policies in Kentucky, including health maintenance
 18 organizations, which provide coverage for services provided in long-term care
 19 facilities as defined in Section 1 of this Act~~[KRS 216.510(1)]~~. The purpose of the
 20 consumer's guide shall be to improve the buyer's ability to select the most
 21 appropriate long-term care coverage and to improve the buyer's understanding of
 22 long-term care. The consumer's guide shall contain, at a minimum, the following
 23 information:

24 (a) Definitions of long-term care services provided in Kentucky, the cost of
 25 services, sources of payment for long-term care, and eligibility for assistance
 26 programs;

27 (b) Factors that affect premium rates, such as age, deductibles, duration of

- 1 benefits, and daily benefits paid;
- 2 (c) An explanation of the types of limitations contained in long-term care
- 3 policies;
- 4 (d) A check list for the use of potential buyers of long-term care insurance which
- 5 covers items that should be considered when selecting a long-term care
- 6 insurance policy; and
- 7 (e) A comparison of the long-term care policies offered for sale in Kentucky. The
- 8 comparison shall be updated at least annually, shall not recommend one policy
- 9 over another, and shall provide the following information for policies:
- 10 premiums at ages fifty-five (55), sixty-five (65), and seventy-five (75);
- 11 services covered; length of coverage; limitations on coverage; prior
- 12 institutionalization requirements; elimination period; and any other
- 13 information the commissioner deems appropriate.
- 14 (2) The commissioner shall issue administrative regulations setting forth specific
- 15 information to be provided by insurers writing long-term health care insurance in
- 16 Kentucky to the department to complete the biennially compiled consumer's guide
- 17 to long-term care insurance in Kentucky.
- 18 (3) The commissioner shall distribute, free of charge, a copy of the consumer's guide to
- 19 long-term care insurance to any person upon request.
- 20 (4) The commissioner shall assess against insurers writing long-term health care
- 21 insurance in Kentucky on an equitable basis the cost of compiling, printing, and
- 22 distributing the consumer's guide to long-term care.