

1 AN ACT relating to assisted living communities.

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

3 ➔Section 1. KRS 194A.703 is amended to read as follows:

- 4 (1) Each living unit in an assisted living community shall:
- 5 (a) Be at least two hundred (200) square feet for single occupancy, or for double
6 occupancy if the room is shared with a spouse or another individual by mutual
7 agreement;
- 8 (b) Include at least one (1) unfurnished room, a lockable entry door unless in a
9 secured dementia care unit, a private bathroom with a tub or shower,
10 provisions for emergency response, a window to the outdoors, and a telephone
11 jack;
- 12 (c) Unless living units are in a secured dementia care unit, have an individual
13 thermostat control if the assisted living community has more than twenty (20)
14 units; and
- 15 (d) Have temperatures that are not under a resident's direct control at a minimum
16 of seventy-one (71) degrees Fahrenheit in winter conditions and a maximum
17 of eighty-one (81) degrees Fahrenheit in summer conditions if the assisted
18 living community has twenty (20) or fewer units, or the living units are in a
19 secured dementia care unit.
- 20 (2) Each resident shall be provided access to central dining, a laundry facility, and a
21 central living room.
- 22 (3) Each assisted living community shall comply with applicable building and life
23 safety codes as determined by the building code or life safety code enforcement
24 authority with jurisdiction.
- 25 **(4) (a) Each assisted living community that provides basic health and health-**
26 **related services or dementia care services shall be classified and treated as**
27 **an institutional building by the Kentucky Building Code and all other**

1 applicable construction, occupancy, and life safety codes.

2 (b) Each assisted living community that does not provide basic health and
3 health-related services or dementia care services shall be classified and
4 treated as a residential building by the Kentucky Building Code and all
5 other applicable construction, occupancy, and life safety codes.

6 ➔Section 2. KRS 194A.705 is amended to read as follows:

7 (1) The assisted living community shall provide each resident with access to the
8 following services according to the lease agreement:

9 (a) Assistance with activities of daily living and instrumental activities of daily
10 living;

11 (b) Three (3) meals and snacks made available each day, with flexibility in a
12 secured dementia care unit to meet the needs of residents with cognitive
13 impairments who may eat outside of scheduled dining hours;

14 (c) Scheduled daily social activities that address the general preferences of
15 residents;

16 (d) Assistance with self-administration of medication; and

17 (e) Housing.

18 (2) (a) The assisted living community may provide residents with access to basic
19 health and health-related services.

20 (b) If an assisted living community chooses to provide basic health and health-
21 related services, the assisted living community shall supervise the residents.

22 (c) In an assisted living community that provides basic health and health
23 related-services or dementia care services, a certified medication aide or an
24 unlicensed staff person who has successfully completed a medication aide
25 training and skills competency evaluation program approved by the
26 Kentucky Board of Nursing may administer oral or topical medication, or
27 preloaded injectable insulin to a resident under the authority of an available

1 licensed practical nurse, registered nurse, or advanced practice registered
2 nurse.

- 3 (3) (a) Residents of an assisted living community may arrange for additional services
4 under direct contract or arrangement with an outside agent, professional,
5 provider, or other individual designated by the resident if permitted by the
6 policies of the assisted living community.
- 7 (b) Permitted services for which a resident may arrange or contract include but
8 are not limited to health services, hospice services provided by a hospice
9 program licensed under KRS Chapter 216B, and other end-of-life services.
- 10 (4) Upon entering into a lease agreement, an assisted living community shall inform the
11 resident in writing about policies relating to the provision of services by the assisted
12 living community and the contracting or arranging for additional services.
- 13 (5) A resident issued a move-out notice shall receive the notice in writing and the
14 assisted living community shall assist each resident upon a move-out notice to find
15 appropriate living arrangements. Each assisted living community shall share
16 information provided from the cabinet regarding options for alternative living
17 arrangements at the time a move-out notice is given to the resident.
- 18 (6) An assisted living community shall complete and provide to the resident:
- 19 (a) Upon move-in, a copy of a functional needs assessment pertaining to the
20 resident's ability to perform activities of daily living and instrumental
21 activities of daily living and any other topics the assisted living community
22 determines to be necessary; and
- 23 (b) After move-in, a copy of an updated functional needs assessment pertaining to
24 the resident's ability to perform activities of daily living and instrumental
25 activities of daily living, the service plan designed to meet identified needs,
26 and any other topics the assisted living community determines to be
27 necessary.

1 ➔Section 3. KRS 194A.710 is amended to read as follows:

2 (1) An assisted living community shall not operate unless it is licensed under this
3 chapter. A licensee shall be legally responsible for the management, control, and
4 operations of the facility.

5 (2) The following categories are established for assisted living community licensure:

6 (a) An assisted living community license for any **facility that provides** assisted
7 living **services, excluding basic health and health-related**
8 **services**~~[community without a secured dementia care unit];[and]~~

9 (b) An assisted living community with **basic health care license for any facility**
10 **that:**

11 **1. Provides assisted living services, including basic health and health-**
12 **related services directly to its residents; and**

13 **2. Does not have a secured dementia care unit; and**

14 (c) **An assisted living community with** dementia care license for **any facility**~~[an~~
15 ~~assisted living community]~~ that provides assisted living services and dementia
16 care services in a secured dementia care unit.

17 (3) ~~An~~~~[On or after July 14, 2022, no]~~ assisted living community shall **not** operate a
18 secured dementia care unit without first obtaining an assisted living community
19 with dementia care license from the cabinet. A license issued pursuant to this
20 section shall not be assignable or transferable.

21 **(4) The Office of Inspector General shall promulgate administrative regulations in**
22 **accordance with KRS Chapter 13A to establish:**

23 (a) **Licensing classifications within the categories as described in subsection (2)**
24 **of this section; and**

25 (b) **Standards to help ensure the health, safety, and well-being of residents.**

26 ➔Section 4. KRS 194A.717 is amended to read as follows:

27 (1) Staffing in an assisted living community shall be sufficient in number and

1 qualification to meet the twenty-four (24) hour scheduled needs of each resident
2 pursuant to the lease agreement, functional needs assessment, and service plan.

3 (2) One (1) awake staff member shall be on site at all times at each licensed entity or if
4 there are multiple occupied buildings on the same campus operated by the same
5 licensee, then there shall be one (1) awake staff member on site in each occupied
6 building~~[at all times]~~.

7 (3) An assisted living community shall have a designated manager who is at least
8 twenty-one (21) years of age, has at least a high school diploma or a High School
9 Equivalency Diploma, and has demonstrated management or administrative ability
10 to maintain the daily operations.

11 (4) An assisted living community that provides basic health and health-related
12 services or dementia care services shall have a licensed nurse readily available in
13 person, by telephone, or by other means of live, two-way communication, to
14 unlicensed staff during any times the staff is providing delegated nursing tasks.

15 (5) No employee who has an active communicable disease reportable to the
16 Department for Public Health shall be permitted to work in an assisted living
17 community if the employee is a danger to the residents or other employees.

18 ~~(6)~~~~(5)~~ When a resident requires hands-on assistance of another person to walk,
19 transfer, or move from place to place with or without an assistive device, the
20 assisted living community shall have a policy that describes how priority will be
21 given by staff sufficient to assist that resident during times of emergency when
22 evacuation may be necessary.