

1 AN ACT relating to residential care facilities.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 205 IS CREATED TO
4 READ AS FOLLOWS:

5 *(1) As used in this section:*

6 *(a) "Certified SCL waiver service provider" means an individual or entity*
7 *certified by the Cabinet for Health and Family Services to provide home*
8 *and community-based services to individuals enrolled in the Supports for*
9 *Community Living waiver;*

10 *(b) "Group home" means a residential setting:*

11 *1. That is licensed by the Cabinet for Health and Family Services;*

12 *2. That is managed by a certified SCL waiver service provider; and*

13 *3. In which no more than eight (8) SCL waiver participants reside;*

14 *(c) "Supports for Community Living waiver" or "SCL waiver" means the*
15 *1915(c) Home and Community-Based Services Medicaid waiver approved*
16 *by the federal Centers for Medicare and Medicaid Services pursuant to 42*
17 *U.S.C. sec. 1396n(c) for individuals with an intellectual or developmental*
18 *disability; and*

19 *(d) "Staffed residence" means a residential setting:*

20 *1. That is owned or leased by a certified SCL waiver service provider;*
21 *and*

22 *2. In which no more than three (3) SCL waiver participants reside.*

23 *(2) Within ninety (90) days after the effective date of this Act, the Cabinet for Health*
24 *and Family Services shall promulgate administrative regulations, in accordance*
25 *with KRS Chapter 13A, for the inspection of group homes and staffed residences.*
26 *Administrative regulations promulgated pursuant to this section shall require*
27 *that:*

- 1 (a) Each group home and staffed residence be inspected by the Cabinet for
2 Health and Family Services prior to the initiation of services and at least
3 once every twelve (12) months thereafter;
- 4 (b) Inspections be unannounced; and
- 5 (c) Inspection history and complaints be made available to the public.
- 6 (3) If, during the course of an inspection performed pursuant to administrative
7 regulations promulgated in accordance with subsection (1) of this section, the
8 Cabinet for Health and Family Services finds evidence sufficient to substantiate a
9 violation of any state or federal law governing the operation of group homes and
10 staffed residences, the cabinet, in addition to the recoupment of any Medicaid
11 payment made to the provider as permitted under federal law, may impose a fine
12 of not more than one thousand dollars (\$1,000) for each substantiated violation.