

1 AN ACT relating to health services.

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

3 ➔Section 1. KRS 205.558 is amended to read as follows:

4 (1) To prevent inappropriate placement and to contain costs related thereto, the
5 secretary for health and family services shall implement a statewide prescreening
6 and admissions review system, including the imposition of a resource means test,
7 for all long-term-care facilities and beds, as defined under KRS Chapter 216, and
8 any acute-care hospital-based skilled-nursing or intermediate-care beds
9 participating under Title XIX of the Social Security Act, regardless of the payment
10 status of the resident upon admission. Any person having resources sufficient to
11 cover the cost of care for at least three hundred sixty-five (365) days following
12 admission may be admitted to a long-term care bed or facility if such person so
13 desires; provided, however, that if a person:

14 (a) Is admitted to a long-term-care facility or acute-care hospital-based skilled-
15 nursing or intermediate-care bed without participating in the prescreening and
16 admissions review system; or

17 (b) Participates in the prescreening and admissions review system and is not
18 authorized for placement in a long-term-care facility or acute-care hospital-
19 based skilled-nursing or intermediate-care bed;

20 such person is not eligible for medical assistance payment for skilled-nursing or
21 intermediate-care for one (1) year after the date of the person's admission to a
22 skilled-nursing or intermediate-care facility or acute-care hospital-based skilled-
23 nursing or intermediate-care bed unless the person subsequently participates in the
24 prescreening and admissions review system and is authorized for admission to an
25 intermediate-care or skilled-nursing facility or acute-care hospital-based skilled-
26 nursing or intermediate-care bed.

27 (2) To implement the provisions of this section the cabinet shall establish preadmission

- 1 screening teams composed of a nurse, social worker, and physician.
- 2 (3) Before preauthorization of any person for admission to an intermediate-care facility
3 or skilled-care facility or acute-care hospital-based skilled-nursing or intermediate-
4 care bed, the cabinet shall first make the following determinations:
- 5 (a) The health status and care needs of the person require immediate
6 institutionalization in an intermediate-care facility or skilled-nursing facility
7 or acute-care hospital-based skilled-nursing or intermediate-care bed;
- 8 (b) The person and his *or her* family have been fully advised of alternatives to
9 institutional care and possible sources of reimbursement for such care;
- 10 (c) Alternatives to institutional care are not feasible; and
- 11 (d) Other such determinations as specified by administrative regulations
12 promulgated by the cabinet *in accordance with*~~[under]~~ KRS Chapter 13A.
- 13 (4) Admission of a person to an intermediate-care facility, or a skilled-nursing facility
14 without first obtaining prior authorization from the Cabinet for Health and Family
15 Services shall constitute a Class B violation.
- 16 (5) The secretary for the cabinet shall promulgate ~~[such]~~ administrative regulations *in*
17 *accordance with*~~[, subject to]~~ KRS Chapter 13A, as necessary to implement this
18 section.