

**CABINET FOR HEALTH AND FAMILY SERVICES**  
**Office of Inspector General**  
**(Amendment)**

**900 KAR 14:010. Essential personal care visitor programs; visitation guidelines.**

RELATES TO: KRS 194A.700(4), 216.510(1)

STATUTORY AUTHORITY: KRS 216.505

NECESSITY, FUNCTION, AND CONFORMITY: KRS 216.505 requires the cabinet to promulgate administrative regulations, subject to applicable federal requirements, to establish guidelines for any individual designated as an essential personal care visitor to have in-person visitation with a resident of a health facility, health service, Medicaid waiver service, or psychiatric residential treatment facility during a period when general visitation is limited or prohibited. This administrative regulation establishes guidelines for implementation of essential personal care visitor programs.

**Section 1. Definitions.**

- (1) "Essential personal care visitor" means a family member, legal guardian, outside caregiver, friend, or volunteer who:
  - (a) Is eighteen (18) years of age or older;
  - (b) May have provided regular care and support to a resident prior to any restrictions on visitation;
  - (c) Is designated as being important to the mental, physical, or social well-being of the resident; and
  - (d) Meets an essential need of the resident, including companionship, assisting with personal care, or positively influencing the behavior of the resident.
- (2) "Facility" means a:
  - (a) Health facility as defined by KRS 216.505(1)(a); or
  - (b) Psychiatric residential treatment facility as defined by KRS 216.505(1)(d).
- (3) "Health service" is defined by KRS 216.505(1)(b).
- (4) "Medicaid waiver service" is defined by KRS 216.505(1)(c).
- (5) "Personal care" means assisting a resident with essential everyday activities, which may include grooming, dressing, and eating.
- (6) "Resident" means an individual who:
  - (a) Resides in a health facility, including a psychiatric residential treatment facility; or
  - (b) Receives health services or Medicaid waiver services.

**Section 2. Essential personal care visitation.**

- (1) A facility, health service, or Medicaid waiver service shall:
  - (a) Allow essential personal care visitation as an exception from any prohibition against general visitation;
  - (b) Establish policies and procedures for the designation of at least one (1) essential personal care visitor, including a process for changing the designated essential personal care visitor; and
  - (c) In accordance with KRS 216.505(3)(h), not be required to permit an in-person visitor at all times.
- (2) Designation of an essential personal care visitor shall be made in consultation with, and upon agreement by the:
  - (a) Resident; and
  - (b) Resident's representative, if applicable.
- (3) A facility, health service, or Medicaid waiver service may require a written agreement with an essential personal care visitor.

- (4) A facility, health service, or Medicaid waiver service may limit the total number of visitors permitted in the facility or service at any one (1) time.
- (5) A facility, health service, or Medicaid waiver service may limit visitation by an essential personal care visitor to the resident or residents he or she is approved to visit.
- (6) An essential personal care visitor who enters a facility, health service, or Medicaid waiver service during a period when general visitation is limited or prohibited shall:
  - (a) Assume the risk of contracting a communicable disease;
  - (b) Limit visitation to the resident's room or a facility-designated room within the building;
  - (c) Limit his or her movement within the facility;
  - (d) Follow the facility's safety protocols; and
  - (e) Inform the facility if he or she develops symptoms of a communicable disease within fourteen (14) days of the visit.
- (7) If the resident has a roommate, an essential personal care visitor shall:
  - (a) Not enter the resident's room if the roommate is there unless the roommate agrees in advance; and
  - (b) Be prohibited from staying in the room for more than fifteen (15) minutes unless otherwise approved by the roommate or roommate's representative.
- (8) An essential personal care visitor shall follow the same safety protocols required for facility, health service, or Medicaid waiver service staff, which may include one (1) or more of the following:
  - (a) Testing for a communicable disease, which may be the responsibility of the essential personal care visitor. If testing is provided by the facility, health service, or Medicaid waiver service, essential personal care visitors shall be tested on the same schedule as staff;
  - (b) Health screens, including screening for signs and symptoms of a communicable disease and denial of entry of any individual with signs and symptoms;
  - (c) Using appropriate personal protective equipment (PPE);
  - (d) Washing or sanitizing hands regularly;
  - (e) Maintaining a distance of six (6) feet from staff and other residents at all times. Social distancing from the resident receiving an essential personal care visit may be relaxed for a short period of time under certain circumstances, e.g., providing assistance with a personal care activity; and
  - (f) Adhering to any other requirement the facility, health service, or Medicaid waiver service deems appropriate in accordance with guidance from the Centers for Disease Control and Prevention (CDC).
- (9) During a period when general visitation is limited or prohibited, a facility, health service, or Medicaid waiver service shall:
  - (a) Be responsible for verifying and tracking the testing status of each essential personal care visitor if the facility or service requires testing as a safety protocol;
  - (b) Schedule essential personal care visits in advance or in accordance with a written agreement;
  - (c) Consider the number of other essential visitors who will be in the building at the same time when developing a visitation schedule;
  - (d) Establish limitations on the visitation frequency and length of the visits to keep staff and residents safe;
  - (e) Sanitize the area's high-frequency touched surfaces after the visit; and
  - (f) Continue to provide all required services and activities to a resident while an essential personal care visitor is with the resident.

### Section 3. Training.

(1) If required by the facility's or service's written policies and procedures, each essential personal care visitor shall complete facility-designated training that includes basic information on infection prevention and control.

(2) A facility or service may post signage throughout the building that demonstrate key instructions to reinforce safe practices.

(36 Ky.R. 239; Am. 626; 808; eff. 10-28-2009; 38 Ky.R. 339; 1007; 1140; eff. 12-7-2011; 39 Ky.R. 857; 1467; 1695; eff. 3-8-2013; 42 Ky.R. 546; 1781; eff. 12-16-2015; 45 Ky.R. 1427, 2395; eff. 5-31-2019; 46 Ky.R. 2332; eff. 7-29-2020; 48 Ky.R. 2662; 49 Ky.R. 2662; eff. 8-25-2022; 49 Ky.R. 2164; eff. 9-27-2023.)

*ADAM MATHER, Inspector General*  
*ERIC C. FRIEDLANDER, Secretary*

APPROVED BY AGENCY: March 24, 2023

FILED WITH LRC: March 29, 2023 at 8:00 a.m.

**PUBLIC HEARING AND COMMENT PERIOD:** A public hearing on this administrative regulation shall, if requested, be held on June 26, 2023, at 9:00 a.m. using the CHFS Office of Legislative and Regulatory Affairs Zoom meeting room. The Zoom invitation will be emailed to each requestor the week prior to the scheduled hearing. Individuals interested in attending this virtual hearing shall notify this agency in writing by June 19, 2023, five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who attends virtually will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on this proposed administrative regulation until June 30, 2023. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to the contact person. Pursuant to KRS 13A.280(8), copies of the statement of consideration and, if applicable, the amended after comments version of the administrative regulation shall be made available upon request.

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