

## **902 KAR 20:350. Boarding homes.**

RELATES TO: KRS 216B.300-216B.320, 216B.990

STATUTORY AUTHORITY: KRS Chapter 13B, 216B.305, EO 96-862

NECESSITY, FUNCTION, AND CONFORMITY: KRS 216B.305 mandates that the Cabinet for Health Services adopt standards through administrative regulation relating to boarding homes. This administrative regulation provides the standards for the operation of boarding homes. Executive Order 96-862, effective July 2, 1996, reorganizes the Cabinet for Human Resources and places the Department for Public Health and its programs under the Cabinet for Health Services.

### **Section 1. Definitions.**

- (1) "Home" means a boarding home.
- (2) "Registrant" means the owner of the home.
- (3) "Manager" means person responsible for the day-to-day operation of the home.
- (4) "Resident" means any person, including a boarder as defined in KRS 216B.300(3), other than the registrant, manager or person related to the registrant or manager, who is living in the home. The resident may require some minimal degree of assistance or supervision, but not to the level of care provided by family care homes or personal care homes.
- (5) "Potentially hazardous food" means any food or ingredient, natural or synthetic:
  - (a) In a form capable of supporting:
    1. The rapid and progressive growth of infections or toxigenic microorganisms; or
    2. The slower growth of *Clostridium botulinum*.
  - (b) Of animal origin, either raw or heat treated; and
  - (c) Of plant origin which:
    1. Has been treated; or
    2. Is raw seed sprouts.
  - (d) The following are excluded:
    1. Air dried hard boiled eggs with shells intact;
    2. Food with water activity (aw) value of 0.85 or less;
    3. Food with a hydrogen ion concentration (ph) level of four and six-tenths (4.6) or below;
    4. Food in unopened hermetically sealed containers that have been commercially processed to achieve and maintain commercial sterility under conditions of nonrefrigerated storage and distribution; and
    5. Food for which laboratory evidence demonstrates that rapid and progressive growth of infectious and toxigenic microorganisms or the slower growth of *Clostridium botulinum* cannot occur.
- (6) "Human services center or facility" means a facility that provides full or part-time care to children or adults. This term shall include:
  - (a) Day care center;
  - (b) Family child care home;
  - (c) Adult day care center;
  - (d) Adult day health care facility;
  - (e) Family care home;
  - (f) Group home for the mentally retarded or developmentally disabled;
  - (g) Acute care, psychiatric, or comprehensive physical rehabilitation hospital;
  - (h) Intermediate care facility;
  - (i) Nursing facility;
  - (j) Nursing home;
  - (k) Personal care home;

- (l) Skilled nursing facility;
- (m) Psychiatric residential treatment facility;
- (n) Child caring facility;
- (o) Child placing agency;
- (p) Rural primary care hospital;
- (q) Alzheimer nursing home;
- (r) Youth camp;
- (s) Boarding home; or
- (t) Alternate intermediate service for the mentally retarded or developmentally delayed.

Section 2. Scope of Operations and Services. Boarding homes are operated and maintained to provide residential and dining services for at least three (3) individuals in accordance with KRS 216B.300(4).

### Section 3. Registration Procedure.

- (1) An applicant seeking initial registration or a registrant seeking renewal shall:
  - (a) Submit an application on forms that the cabinet requires to the Department for Public Health, Health Services Building, 275 East Main St., Frankfort, KY, 40621; and
  - (b) Pay a registration fee of \$100.
- (2) Upon receipt of an application, the cabinet or its agents shall make an inspection of the home to determine compliance with the provisions of KRS Chapter 216B and this administrative regulation. When inspection reveals that the applicable requirements of KRS Chapter 216B and this administrative regulation have been met, registration shall be issued to the applicant by the cabinet.
- (3) A receipt of registration shall be sent to the registrant.
- (4) Unless renewed, initial registration shall expire on March 31 following the date of registration, as shown on the receipt of registration sent to the registrant, and every March 31 thereafter.

### Section 4. Operation and Management of Boarding Homes Whose Residents Do Not Meet the KRS 216B.300(3) Definition of "Boarder".

- (1) The registrant shall be legally responsible for the operation of the home and for compliance with all federal, state and local laws and administrative regulations pertaining to the operation of the home.
- (2) The manager shall be a literate adult, at least eighteen (18) years of age, who has general knowledge of the residents' physical and mental condition.
- (3) The manager shall be the person directly responsible for the twenty-four (24) hour daily operation of the home or for delegating that responsibility to another individual meeting criteria in subsection (2) of this section. The name of that individual to whom the responsibility may be designated shall be in writing and provided to the agents of the cabinet inspecting the home.
- (4) The manager shall maintain records, located on the premises and available for inspection by the cabinet or its agents, which contain the following information (typed or in ink) about each resident who does not meet the KRS 216B.300(3) definition of a "boarder":
  - (a) Name and sex.
  - (b) Date of birth.
  - (c) Previous place of residence.
  - (d) Attending physician, mental health professional, and dentist, if any, address and phone number for each.
  - (e) Next of kin or responsible person (or agency), address and telephone number.
  - (f) Amount charged per week or month by the home.

(5) The manager shall have phone numbers of a hospital, an ambulance service, fire department, and a physician for emergencies posted by the telephone in large legible print.

(6) The manager shall have a written procedure for obtaining emergency services.

(7) All prescription medications taken by residents who do not meet the KRS 216B.300(3) definition of a "boarder" shall be noted in writing by the manager to include the date, time and dosage of the medication. The manager shall keep the original in a file and make it available to the cabinet or its agents upon request.

(8) The manager shall make a written report of any accident involving a resident, any incident involving a resident's health, welfare or safety, and any death of a resident. The manager shall keep the original in a file and make it available to the cabinet or its agents upon request.

(9) The manager shall provide for resident rights pursuant to KRS 216B.303.

(10) The registrant shall request and review all criminal conviction information for any applicant for employment or volunteer services from the Justice Cabinet prior to employing the applicant or utilizing the volunteer.

(11) Initial registrations may be denied and existing registrations may be revoked if the applicant for registration or the registrant has:

(a) Been convicted of a crime relating to abuse, neglect or exploitation of a child or an adult;

(b) Abused, neglected or exploited a child or an adult;

(c) Been listed on the Nurse's Aide Abuse Registry by the Office of the Inspector General; or

(d) Had a human services center or facility registration, certification, permit or license denied or revoked or voluntarily forfeits their certification, registration, license or permit after the cabinet initiates denial or revocation action.

(12) The manager shall report all suspected cases of abuse, neglect, or exploitation of adults or children to the cabinet pursuant to KRS Chapters 209 and 620.

(13) If a person who has job duties is known or is suspected to be infected with a communicable disease for which a reasonable probability for transmission exists due to the individual's job, the individual shall not perform these duties until such time as the infectious condition can no longer be reasonably expected to be transmitted. Disagreement regarding this requirement between the home and the individual involved shall be resolved by the individual's physician.

(14) The registration from the cabinet shall be posted in a conspicuous place in the home.

#### Section 5. Services to be Provided by Homes whose Residents Do Not Meet the KRS 216B.300(3) Definition of "Boarder".

(1) Basic services.

(a) All homes shall ensure that residents obtain basic room and board services.

(b) The home shall provide each resident with a lockable bureau or cupboard for storage of personal belongings.

(c) Mattress pads or covers shall be used on all mattresses. Beds, mattresses, springs, slats, mattress pads and cover shall be sanitary and in good repair. Each bed shall be provided with two (2) sheets; and one (1) pillow and one (1) pillowcase for each resident. Sheets and pillowcases shall be kept clean and changed at least once per week, or more often if necessary, or when there is a new resident. All beds shall be supplied with sufficient blankets or coverings to keep the resident warm.

(d) It shall be the responsibility of the manager, if a resident is unable due to an accident or acute illness, to obtain the services of a physician.

(e) Residents shall not require a degree of care exceeding the skill of the operator to provide.

(f) Prescription drugs for residents who do not meet the KRS 216B.300(3) definition of "boarder" shall be kept in a locked cabinet.

(2) Communicable diseases.

(a) The manager shall not allow individuals infected with the following diseases to reside in the home unless the individual's attending physician certifies in writing that the condition of the individual is not communicable to others in the home environment: anthrax, cammpylobacteriosis, cholera, diphtheria, hepatitis A, measles, pertussis, plague, poliomyelitis, rabies (human), rubella, salmonellosis, shigellosis, typhoid fever, yersiniosis, brucellosis, giardiasis, leprosy, psittacosis, Q fever, tuberculosis, tularemia, and typhus. If an attending physician is in doubt regarding the communicability of an individual's condition, the physician may contact the Department for Public Health.

(b) A home may admit a (noninfectious) tuberculosis patient under continuing medical supervision for the patient's tuberculosis disease.

(c) If a resident is suspected of having a communicable disease that would endanger the health and welfare of other residents, the manager shall assure that a physician is contacted and that appropriate measures are taken on behalf of that resident and the other residents in the home.

(3) Dietary services for residents who do not meet the KRS 216B.300(3) definition of a "boarder".

(a) Food supplies.

1. Food shall be in sound condition and safe for human consumption. Food shall be obtained from sources that comply with the applicable laws relating to food safety. The use of food that was not prepared in an approved food processing establishment is prohibited.

2. Fluid milk and fluid milk products used shall be pasteurized and shall comply with applicable law. Dry milk and milk products used shall be made from pasteurized milk and milk products. Raw milk shall not be provided or used in a home.

3. Only clean shell eggs meeting applicable grade standards, or pasteurized liquid, frozen, or dry eggs, or pasteurized dry egg products shall be used.

4. Only ice which has been manufactured with potable water and handled in a sanitary manner shall be used.

(b) Food protection.

1. Prepared, or served, food shall be protected from cross-contamination between foods and from potential contamination by insects, insecticides, rodents, rodenticides, unclean equipment or utensils, unnecessary hand contact, draining, or overhead leakage or condensation, dust, coughs and sneezes or other agents of public health significance.

2. The temperature of potentially hazardous foods shall be forty-five (45) degrees Fahrenheit or below, or 140 degrees Fahrenheit or above at all times, except during necessary times of preparation or service.

3. Hermetically sealed (airtight) packages shall be handled so as to maintain product and container integrity.

4. Pets may be present on the premises, but shall not be permitted in the kitchen.

5. Laundry facilities.

a. In facilities that are initially licensed within one (1) year of the effective date of this administrative regulation, laundry facilities may be located in the kitchen, but shall not be used during food preparation and service.

b. In facilities that are initially licensed more than one (1) year after the effective date of this administrative regulation, laundry facilities shall not be located in the kitchen.

(c) Food preparation.

1. Food shall be prepared with the least manual contact, using suitable utensils, and on surfaces that prior to use have been cleaned, rinsed and sanitized to prevent cross-contamination.
2. Raw fruits and raw vegetables shall be washed thoroughly before being cooked or served.
3. Potentially hazardous foods requiring cooking shall be cooked to heat all parts of the food to a temperature of at least 140 degrees Fahrenheit prior to being placed in steam tables or other hot storage facilities except that:
  - a. Poultry and poultry stuffings, and stuffed meats shall be cooked to heat all parts of the food to at least 165 degrees Fahrenheit with no interruption of the cooking process;
  - b. Raw pork and products containing raw pork shall be cooked to heat all parts of the food to at least 150 degrees Fahrenheit;
  - c. Rare roast beef shall be cooked to an internal temperature of at least 130 degrees Fahrenheit, and rare beef steak shall be cooked to a temperature of 130 degrees Fahrenheit;
4. Reconstituted dry milk and dry milk products may be used in instant desserts and whipped products, or for cooking and baking purposes;
5. Unpasteurized liquid, frozen, dry eggs and egg products shall be used only for cooking and baking purposes.
6. Potentially hazardous foods that were cooked and then refrigerated shall be reheated rapidly to 165 degrees Fahrenheit or higher throughout before being served. Bainsmarie, warmers, and other hot food holding facilities are prohibited for the rapid reheating of potentially hazardous foods.
7. Potentially hazardous foods shall be thawed:
  - a. In refrigerated units at a temperature not to exceed forty-five (45) degrees Fahrenheit; or
  - b. Under potable running water at a temperature of seventy (70) degrees Fahrenheit or below, with sufficient water velocity to agitate and float off loose food particles into the overflow and for a period that shall not exceed that reasonably required to thaw the food; or
  - c. In a microwave oven only when the food will be immediately transferred to conventional cooking units as part of a continuous cooking process, or when the entire, uninterrupted cooking process takes place in the microwave oven; or
  - d. As part of the conventional cooking process if the food is less than, or equal to, three (3) pounds.

(d) Food display and service.

1. Food on display, other than whole, unprocessed raw fruits and unprocessed raw vegetables, shall be protected from contamination by the use of packaging, or by the use of easily cleanable display cases, serving line or salad bar protector devices, covered containers for self-service, or by other effective means. Potentially hazardous food other than milk, cream, cream cheese, or yogurt shall not be provided for resident self-service in the home.
2. Condiments, seasonings and dressings for self-service use shall be provided in individual packages, or in dispensers or containers except that, for table service, catsup and other sauces may be served in the original container or pour-type dispenser. Sugar for resident use shall be provided in individual packages or in pour-type dispensers.
3. Ice for resident use shall be dispensed with scoops, tongs, or other ice-dispensing utensils or through automatic self-service ice-dispensing equipment. Ice-dispensing utensils shall be stored on a clean surface or in the ice with the dispensing utensil's

handle extended out of the ice. Between uses, ice transfer receptacles shall be stored in a way that protects them from contamination.

4. Once served to a resident, portions of leftover food shall not be reused or re-served except that nonpotentially hazardous packaged food, that is still packaged and is still in sound condition may be re-served. However, single-service creamers and completely wrapped pats of butter or margarine may be re-served if still packaged and in sound condition.

(e) Employee health and practices.

1. Employees engaged in food preparation, service and ware-washing operations shall thoroughly wash their hands and the exposed portions of their arms with soap or detergent and warm water before starting work, after smoking, eating, or using the toilet, and as often as is necessary during work to keep them clean. Employees shall keep their fingernails trimmed and clean.

2. Employees shall wear clean outer clothing.

3. Hairnets, hats, scarves, or similar hair coverings that effectively restrain head and facial hair shall be required for all employees working in food preparation areas.

4. Employees shall maintain a high degree of personal cleanliness and shall conform to good hygienic practices during all working periods.

5. Employees shall consume food or use tobacco only in designated areas. Such designated areas shall not be located in food preparation areas or in areas where the eating or tobacco use of an employee may result in contamination of food, equipment, or utensils.

6. All employees shall wash their hands thoroughly with soap and warm water in an adequate hand-washing facility before starting work and as often as necessary to remove soil and contamination. The hands of all employees shall be kept clean, while engaged in handling of food and food contact surfaces.

(f) Equipment and utensils.

1. Equipment and utensils shall be constructed and repaired with safe materials, including finishing materials; shall be corrosion resistant and nonabsorbent; and shall be smooth, easily cleanable, and durable under conditions of normal use. Single-service articles shall be made from clean, sanitary, safe materials. Equipment, utensils, and single-service articles shall not impart odors, color, taste, nor contribute to the contamination of food.

2. Safe plastic or safe rubber or safe rubber-like materials shall be resistant under normal conditions of use to scratching, scoring, decomposition, crazing, chipping, and distortion, and shall be of sufficient weight and thickness to permit cleaning and sanitizing by normal ware-washing methods.

3. Single-service articles shall not be reused.

4. All equipment and utensils shall be maintained in good repair.

(g) Equipment and utensils/cleaning and sanitization.

1. Food utensils and equipment shall be stored in a manner to avoid contamination.

2. Food contact surfaces and sinks shall be smooth and easily cleanable.

3. Food contact equipment, surfaces, tableware and utensils shall be cleaned and sanitized prior to food preparation for the public and after each use.

4. Sinks, basins or other receptacles used for cleaning of equipment and utensils shall be cleaned and sanitized before use.

5. Equipment and utensils shall be preflushed or prescrapped and, when necessary, presoaked to remove food particles and soil.

6. Manual cleaning and sanitizing shall be conducted as follows:

- a. For manual cleaning and sanitizing of cooking equipment, utensils and tableware, three (3) compartments shall be provided and used. The cabinet may allow the use of compartments other than sinks.

- b. All five (5) steps of the ware-washing process shall be completed as follows:
    - (i) Prerinsing or scraping;
    - (ii) Application of cleaners for soil removal;
    - (iii) Rinsing to remove any abrasives and remove or dilute cleaning chemicals;
    - (iv) Sanitization; and
    - (v) Air drying and draining.
  - c. A sanitizing method approved by applicable provisions of the state retail food code shall be used.
  - d. Wash, rinse and sanitizing solution shall be maintained in a clean condition.
  - e. The washing solution shall be maintained at a temperature of 110 degrees Fahrenheit or above, or as specified on the manufacturer's label.
  - f. When chemicals are used for sanitization, they shall not have concentrations higher than the maximum permitted by law, and a test kit or other device that measures the parts per million concentration of the solution shall be provided and used at least once each business day and each time the sanitizing solution is changed.
7. Mechanical cleaning and sanitizing shall be conducted as follows:
- a. Commercial dishwashers must comply with applicable provisions of the state retail food code.
  - b. A domestic or home-style dishwasher may be used provided the following performance criteria are met:
    - (i) The dishwasher shall effectively remove physical soil from all surfaces of dishes.
    - (ii) The dishwasher shall sanitize dishes by the application of sufficient accumulative heat.
    - (iii) The operator shall provide and use daily a maximum registering thermometer or a heat thermal label to determine that the dishwasher's internal temperature is a minimum of 150 degrees Fahrenheit after the final rinse and drying cycle.
    - (iv) The dishwasher shall be installed and operated according to manufacturer's instructions for the highest level of sanitization possible when sanitizing kitchen facilities' utensils and tableware; a copy of the instructions shall be available on the premises at all times.
8. There shall be sufficient area or facilities such as portable dish tubs and drain boards for the proper handling of soiled utensils prior to washing and of cleaned utensils after sanitization so as not to interfere with safe food handling, hand washing and the proper use of dishwashing facilities. Equipment, utensils and tableware shall be air dried.
- (h) Water supply and sewage disposal.
- 1. Sufficient potable water for the needs of the establishment shall be provided from a source constructed, maintained, and operated pursuant to applicable requirements of the Cabinet for Natural Resources and Environmental Protection.
  - 2. Bottled and packaged potable water shall be obtained from a source that complies with applicable provisions of the Cabinet for Natural Resources and Environmental Protection, and the cabinet, and shall be handled and stored in a way that protects it from contamination. Bottled and packaged potable water for consumer self-service shall be dispensed from the original container.
  - 3. All sewage, including liquid waste, shall be disposed of by a public sewerage system or by a sewage disposal system constructed, maintained, and operated pursuant to the requirements of the Cabinet for Natural Resources and Environmental Protection, and the cabinet. Mop water shall not be disposed of in the dishwashing sink.

(i) Toilet facilities for employees.

1. Toilet facilities shall be installed pursuant to requirements of the state plumbing code, shall be conveniently located, and shall be accessible to employees at all times.
2. Bathrooms opening to the kitchen or dining area shall have adequate ventilation and a self-closing door. Ventilation may be provided by window(s) or by mechanical means. A soap dispenser and disposal towels shall be provided for hand washing in bathrooms used by food handlers.
3. Toilet facilities, including toilet fixtures and any related vestibules, shall be kept clean and in good repair. A supply of toilet tissue shall be provided at each toilet at all times. Easily cleanable receptacles shall be provided for waste materials.

(j) Hand-washing facilities for employees.

1. Hand-washing facilities shall be installed pursuant to the requirements of the State Plumbing Code and shall be conveniently located in the food preparation area.
2. Each hand-washing facility shall be provided with hot and cold potable water tempered by means of a mixing valve or combination faucet.
3. A supply of hand-cleansing soap or detergent shall be available from a dispensing unit at each hand-washing facility. A supply of sanitary towels or a hand-drying device providing heated air shall be conveniently located near each hand-washing facility. Common towels are prohibited. If disposable towels are used, easily cleanable waste receptacles shall be conveniently located near the hand-washing facilities.
4. Employees shall thoroughly wash their hands and the exposed portions of their arms with soap or detergent and warm water before starting work, during work as often as is necessary to keep them clean, and after smoking, eating, drinking, or using the toilet. Employees shall keep their fingernails clean and trimmed.
5. Hand washing shall take place at a hand-washing lavatory or designated service sink and not at food preparation sink or at a ware-washing sink.

(k) Insect and rodent control.

1. Effective measures shall be utilized to minimize the entry, presence, and propagation of rodents or of flies, cockroaches, other insects. The premises shall be maintained in a condition that prevents the harborage or feeding of insects or rodents.
2. Pesticides and rodenticides.
  - a. No person shall apply insecticides or rodenticides except as follows:
    - (i) In accordance with applicable requirements of the Kentucky Department of Agriculture's Pesticide Use and Application Act;
    - (ii) In accordance with the manufacturer's labeling; and
    - (iii) In such a way that food, food contact surfaces, and the supply of potable water are not contaminated.
  - b. No open pesticide or rodenticide bait boxes shall be used.
  - c. Pesticides, rodenticides and other toxic materials shall be stored apart from food, equipment, and utensils, and all containers of toxic material shall be clearly labeled for easy identification.
  - d. Pesticides and rodenticides shall be stored separated from other toxic and chemical compounds at all times.

(l) Therapeutic diets. Special diets or dietary restrictions shall be medically prescribed and provided accordingly.

(m) At least three (3) meals per day shall be served with not more than a fifteen (15) hour span between the evening meal and breakfast.

(n) All food showing evidence of spoilage or infestation shall be disposed of immediately upon detection.



(4) Housekeeping and sanitation. Each home shall:

- (a) Have openings to the outside which shall be effectively protected against the entrance of insects by tight-fitting, self-closing doors, closed windows, screening, controlled air currents, or other means. Screen doors shall be self-closing, and screens for windows, doors, skylights, transoms, and other openings to the outside shall be tight fitting and free of breaks. Screening material shall not be less than sixteen (16) mesh to one (1) inch;
- (b) Eliminate odors at their source by prompt and thorough cleaning of commodes and other obvious sources;
- (c) Maintain the premises in such a manner as to prevent infestation by insects and rodents;
- (d) Soiled clothing and linens shall be given immediate attention and shall be kept in a closed container. Once used, clothing or bedding shall be laundered before being used by another individual;
- (e) All sewage and waste matter shall be disposed of into a public sewerage system, if available. In the event a public sewerage system is not available, disposal shall be made into a private system designed, constructed and operated in accordance with the requirements of the cabinet; provided, however, if a public sewerage system subsequently becomes available, connections shall be made thereto and any other sewerage system shall be discontinued.
- (f) Collect and dispose of all garbage, refuse, trash, and litter in compliance with applicable state and local laws and regulations. Garbage containers shall be made of metal or other impervious material, and shall be watertight and rodent proof, and shall have tight-fitting covers.

Section 6. Accommodations. Each home shall:

- (1) Be safe and of substantial construction and comply with applicable state and local laws relating to location, zoning, plumbing, and sanitation;
- (2) Provide lighting with a minimum illumination level of fifty (50) foot-candles for each hall, stairway, entryway, resident area, and bathroom; a minimum illumination level of thirty (30) foot-candles shall be required for kitchens;
- (3) Have a water supply which is potable, adequate and from an approved public supply of a municipality or water district, if available. In the event a public water supply of a municipality or a water district is not available, the supply shall be developed and approved in accordance with applicable requirements of the Natural Resources and Environmental Protection Cabinet; provided, however, if a public water supply of a municipality or water district subsequently becomes available, connections shall be made thereto and any other supply shall be discontinued;
- (4) Have an ample supply of hot and cold running water available at all times for general use. The water temperature at any tap shall not exceed 110 degrees Fahrenheit and all plumbing shall be installed pursuant to the State Plumbing Code;
- (5) Have adequate toilet and bathing facilities conveniently located as required by the State Plumbing Code. Toilet facilities shall be kept clean and in good repair;
- (6) Have adequate ventilation in all areas used by residents. Toilet rooms shall be vented to the outside, if there is no window. There shall be an exterior window which can be opened in each resident room;
- (7) Assure that beds occupied by residents shall be placed so no resident may experience discomfort due to proximity to radiators, heat outlets, or exposure to drafts;
- (8) Not use stacked beds;
- (9) Have beds and mattresses that are no less than thirty-three (33) inches wide and six (6) feet long;

- (10) Not house residents in rooms or detached buildings or other enclosures which have not been previously inspected and approved for resident use, or in basements not approved by the cabinet for sleeping quarters. Approved basements must have an outside door;
- (11) Not be located in a house trailer or motor home;
- (12) Provide a heating system which can maintain an even temperature and is capable of maintaining a minimum temperature of seventy-two (72) degrees Fahrenheit in resident-occupied areas under winter conditions and a maximum temperature of eighty-five (85) degrees under summer conditions; and
- (13) Be able to accept a resident who uses a wheelchair by assuring that the resident is able to enter and exit the home and utilize the bathroom facility without assistance (i.e., ramps, railings, etc.).
- (14) Toilet rooms normally accessible and intended for public use shall comply with the provisions of Section 5(3)(i) of this administrative regulation.

Section 7. Safety. Each home shall take appropriate precautions to ensure the safety of the residents and visitors by:

- (1) Having all exterior grounds including sidewalks, steps, porches, ramps, and fences in good repair;
- (2) Having all of the home's interior including walls, ceilings, floors, floor coverings, steps, windows, window coverings, doors, plumbing, and electrical fixtures in good repair;
- (3) Having a fire control and evacuation plan;
- (4) Having an adequate number of 2A10 B:C rated fire extinguishers located throughout the home with a minimum of one (1) per floor or level of the residence;
- (5) Having a 40 B:C rated fire extinguisher located within each food preparation area in the home;
- (6) Having a person in charge thoroughly oriented in the evacuation of the residents in the event of a fire, with evacuation plans posted in individual rooms and common use areas; and
- (7) Having smoke detectors located as follows:
  - (a) One (1) shall be located in each bedroom; and
  - (b) At least one (1) shall be located on each floor or level of the home;
- (8) Having at least one (1) emergency lighting source available in the home that automatically illuminates with a loss of power to the home.

Section 8. Complaint Procedures.

- (1) Complaints by registrants shall be directed to the appropriate agency.
- (2) Every home shall conspicuously post a listing of agencies and their telephone numbers, including:
  - (a) The Protection and Advocacy Division of the Public Protection and Regulation Cabinet;
  - (b) The Adult Protective Services Division of the Department for Social Services;
  - (c) The health department of the county in which the home is situated; and
  - (d) The comprehensive care center for that area development district, and any other comprehensive care center that may serve residents in the home.
  - (e) The Division of Licensing and Regulation.

Section 9. Suspension of Registration.

- (1) Whenever the cabinet has reason to believe that an imminent public health hazard exists, or whenever the registrant or manager has interfered with the authorized agents of the cabinet in the performance of their duties, the registration may be suspended

immediately upon notice to the registrant without a hearing. In such event the registrant may request a hearing.

(2) In all other instances of violation of the provisions of this administrative regulation, the cabinet or its agents may serve upon the registrant a written notice specifying the violation(s) in question and afford a reasonable opportunity to correct same. Whenever there is a failure to comply with any written notice issued under the provisions of this administrative regulation, the registrant shall be notified in writing that the registration shall be suspended at the end of ten (10) days following service of such notice, unless a written request for a hearing is filed in accordance with 902 KAR 1:400.

Section 10. Reinstatement of Suspended Registration. Any registrant may, at any time, make application for a reinspection for the purpose of reinstatement of the registration. Within ten (10) days following receipt of a written request, including a statement signed by the applicant that in his opinion the conditions causing suspension have been corrected, the cabinet shall make a reinspection. If the applicant is found to be in compliance with the requirements of this administrative regulation, the registration shall be reinstated.

Section 11. Revocation of Registration. For serious or repeated violations of any of the requirements of this administrative regulation or for interference with the agents of the cabinet in the performance of their duties, the registration may be permanently revoked after an opportunity for a hearing has been provided by the cabinet. Prior to such action, the cabinet shall notify the registrant in writing, stating the reasons for which the registration is subject to revocation and advising that the registration shall be permanently revoked at the end of ten (10) days following service of the notice, unless a request for a hearing is filed in accordance with 902 KAR 1:400.

Section 12. Hearings. All administrative hearings shall be conducted in accordance with 902 KAR 1:400.

(20 Ky.R. 719; 1016; eff. 12-6-1993; 22 Ky.R. 2422; eff. 8-1-1996; Crt eff. 4-25-2019.)