

Notice of Proposed Regulation Changes
Personal Care Homes

On April 15, 2019, the Cabinet for Health and Family Services filed a proposed amendment of 902 KAR 20:036, Operation and services; personal care homes, with the Legislative Research Commission.

The proposed amendment seeks to change the existing personal care home regulation as follows:

- Updates the definitions section, notably by moving language from Section 2 describing a personal care home into Section 1, as well as defining “specialized personal care home (SPCH)” as a personal care home that participates in the mental illness or intellectual disability supplement program pursuant to 921 KAR 2:015 or otherwise serves residents in which thirty-five (35) percent or more of the resident population has a serious mental illness;
- Adds a definition of “qualified mental health professional”, “serious mental illness”, and updates other definitions for clarity;
- Deletes obsolete language related to the age of admission to a PCH and inserts a cross-reference to KRS 216.765(2) which states that “no person under the age of eighteen (18) shall be admitted to a personal care home”;
- Requires each SPCH to develop and implement written transition procedures to ensure cooperation with an individual or entity that assists with transitioning residents with an SMI to a community living arrangement;
- Requires the administrator of an SPCH and at least one (1) direct care staff member to complete the mental illness or intellectual disability training workshop established by 921 KAR 2:015, Section 14, no later than 6 months from the effective date of this administrative regulation and every two (2) years thereafter;
- Requires a PCH or SPCH to complete the SMI Screening Form for each resident at the time of admission;
- Adds a cross-reference to 902 KAR 20:205 which establishes the tuberculosis screening requirements for employees of health facilities;
- Requires a summary of, or a copy of the resident’s records to be provided to the resident and the resident’s guardian if the resident transitions to a community living setting;
- Clarifies requirements related to the destruction of expired or unused controlled substances that are destroyed on-site;
- Requires an SPCH to collaborate with the agency or team that is working with residents transitioning to community living pursuant to 908 KAR 2:065 to offer basic instruction in activities of daily living (ADL) and instrumental activities of daily living (IADL) to each resident who is identified as working to transition to independent community living pursuant to 908 KAR 2:065;
- Requires SPCHs to maintain monthly documentation of ADL and IADL skills instruction provided to, or made available and refused by SPCH residents who are transitioning to living independently in the community; and
- Makes technical changes for compliance with KRS Chapter 13A to improve clarity and flow.

A public hearing on the proposed changes to 902 KAR 20:036 is scheduled for May 28, 2019, at 9 a.m. in Suites A and B, Health Services Building, First Floor, 275 East Main Street, Frankfort, Kentucky. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed regulation until May 31, 2019, to the attention of Chase Coffey, Executive Administrative Assistant, Office of Legislative and Regulatory Affairs, 275 East Main Street, 5W-A, Frankfort, Kentucky 40621; Phone: 502-564-6746; Fax: 502-564-7091; Email: CHFSregs@ky.gov.

Link to proposed amendment: <https://apps.legislature.ky.gov/law/kar/902/020/036reg.pdf>