

Let's Talk: Assisted Living

Department for Aging and
Independent Living

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Mutual Agreement

In Kentucky licensed health care facilities are licensed per bed while assisted-living communities are certified by unit. What does this mean? A licensed facility can place an individual in a licensed bed with or without considering the wishes of anyone else living in the same room. In an assisted living the unit is leased regardless of the size of the unit for single occupancy or for double occupancy if the room is shared with a spouse or another individual by mutual agreement (194A.703 (1) (a)). According to Merriam Webster dictionary **Mutual Agreement 1a:** "the act or fact of agreeing **b:** harmony of opinion, action, or character: CONCORD **2a:** an arrangement as to a course of actions **b:** COMPACT, TREATY **3a:** a contract duly executed and legally binding

b: the language or instrument embodying such a contract. **In assisted-living the clients must jointly make an arrangement as to the course of action.** The clients must determine themselves they want to share a unit. They can not be required by the assisted-living community or family to share a unit.

Communities can not have rooms they call or label as "semi-private" or "companion rooms" all units must be rented in accordance with 194A.703 (1) (a) to those clients that have mutually agreed that they want to share a unit due to being spouses, siblings, relatives, friends, etc. the assisted-living nor the family can direct clients to share a unit.



Criminal Record Checks

Assisted-living communities are required to apply for a criminal record check within seven (7) days from date of an employee's hire (910 KAR 1:240 Section 7 2. b.). The community needs to provide verification that the request was submitted within the required

timeframe.

It is also vital that the community review each criminal record report as it is received. To ensure the person does not have any felony convictions related to theft, abuse or sale of illegal drugs; abuse, neglect or exploitation of an adult; or

the commission of a sex crime. Also, the person may not be employed if they have a misdemeanor conviction related to abuse, neglect, or exploitation of an adult. Questions regarding charges or their dispositions may be directed to the court for

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Special points of interest:

- Review criminal records as they are received.
- Preparation for on-site visits can expedite the process.
- Utilize the personal preference & social factors assessment.

Criminal record checks continued

clarification.

Be sure to document conversations to include the name of the contact, the date, and the explanation of disposition.

If an agency conducts background checks for the community, including criminal record checks obtain a copy of the actual report. A statement from the company that the person is eligible for hire is not sufficient. The department also needs documentation from the agency that they utilize

information from the Justice & Public Safety Cabinet (Administrative Office of the Courts or the Kentucky State Police).

The department does not require anything above what the law requires. However, an agency that performs national searches is usually much more reliable than the state record checks. Why? If I have lived in New York all my life and just moved to Kentucky what will the Administrative Office of the Courts or Kentucky State

Police record check show? "No record". A national search will show if I had charges or convictions in any other state. If I had just been released from prison in New York, after serving 10 years for aggravated assault and armed robbery, the national search should include that record. The national search may exceed the requirements of the law but it will better protect the clients that reside in your community.

Preparing for On-Site Reviews

Even with unannounced visits there are things that the community can do to be prepared for an on-site review.

First the community should operate under the same process' every day. Having "the state" on-site should not make a difference in how the community operates or functions.

Secondly the community should have a manual with all of the policies and

procedures and documents. For efficiency organize the documents in a binder or notebook (a certification manual) according to the certification checklist.

Third, always have someone on site that has access to the client records, personnel files and the certification manual.

Inform staff and clients that the community is required to have an on-site review annually and that they should operate as usual.

Make sure when changes are made to documents that the new information is placed in the certification manual as well as put into practice. This will be more important than ever with the new regulation language that requires the plan of correction to be implemented within the approved timeframes.

"Make sure when changes are made to documents that the new information is placed in the certification manual as well as put into practice"

I've heard the Hokey Pokey is what it's all about

Activities should be a valuable part of your community's service array. KRS 194A.705 requires assisted-living communities to provide each client with services according to the lease agreement and includes scheduled daily social activities that address the general preferences of

the clients. KRS 194A.713 requires that the lease include information regarding personal preferences and social factors; optional information helpful to identify services that meet the client's needs; and information regarding specific services offered. These requirements tie together to

provide for the individualized social needs (ACL's in Kentucky are social models). If you have a good personal preference and social factors assessment and use it for planning, there is more to life than "The Price is Right" or "The Hokey Pokey".