

Let's Talk: Assisted-Living

Department for Aging &
Independent Living

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Open Records Request

The Department is happy to share information with those that make an open records request in accordance with the open records act. We are restricted in releasing information without an official written request that clearly identifies the documents requested. There is a charge per page that is invoiced and must be paid prior to the records being released. The department will provide a form to request open records which ensures that all the needed information is obtained for locating the correct

records. The request must be specific to who (ALC), what (SONC's, POC's, complaints, etc.) and when (dates). Keep in mind that the department can only release documents that are our own records; we can not release records that we obtained from another entity such as OIG. We also remove information that is confidential such as names of clients and the identity of complainants.



February 19, 2009 Training

This is the final opportunity to remind you to register for the February 19, 2009 training session. The department staff will be focusing on the new regulation

language and how it will be enforced.

We will also share information on how situations have been handled during on-site visits and have open discussions with you to

alleviate as much of the gray area that we can. This is your opportunity to hear directly from the department and to ask us questions.

Special points of interest:

- Open records have to be requested in writing.
- So far 87 people are registered for training.
- Don't market without filing an application.
- Leave health services to licensed entities.

Advertising or Marketing of an Assisted-Living

Recently the department was asked for clarification on marketing an assisted-living that is not yet built. The ALC wants to start advertising and solicit reservations for the ALC.

KRS 194A.723 (2) states "Any business that markets its services as an assisted-living

community without filing a current application with the department or receiving certification by the department may be fined up to five hundred dollars (\$500) per day." Based on the statute the prospective ALC must submit an application and certification fee to market. Application and payment must be

made annually, and subsequent plans shared with the department. No advertisements may be distributed unless these provisions are met.

Wellness Programs

Many assisted-living communities are starting to market and provide "wellness programs". Those providing these services will be reviewed by the department to ensure that health services are not being provided by the ALC. There is nothing to prohibit an ALC from employing a

nurse but the nurse can not provide health services in an assisted-living.

Example: If the community is providing blood pressure checks the information can be recorded or the client told what the blood pressure reading is but there can be no sharing of what the information

means or what to do with the information. You are cautioned to provide only a clerical service. At any time you have a question as to what an assisted-living can provide please give us a call; we will talk it through with you.

"There is nothing to prohibit an ALC from employing a nurse but the nurse can not provide health services in an assisted-living."

Thanks for your comments

Several of you have expressed that you like having the department provide updates and give information. We hope this is beneficial to everyone and we will continue to provide information that the

department thinks is helpful but it is important that we find out from you what is needed. If you have a topic that you want discussed in an upcoming "Let's Talk: Assisted-Living" let us

know. We want this to be something you not only look forward to getting but that provides you the answers needed.