

**216B.305 Registration of boarding home -- Standards for operation -- Unannounced inspection -- Denial of registration -- Access by cabinet employees and agents -- No preemption of local authority for stricter requirements.**

- (1) No person, association, business entity, or organization shall advertise, solicit boarders, or operate a boarding home without registering, on an annual basis, in a manner and form prescribed by the secretary. No person who has been convicted of a crime of abuse under KRS 508.100 to 508.120 or who has had a report of abuse substantiated by the cabinet shall be registered to operate a boarding home. The secretary shall impose a fee, not to exceed one hundred dollars (\$100), for this registration.
- (2) The secretary shall adopt standards, by administrative regulation pursuant to KRS Chapter 13A, for the operation of boarding homes. The administrative regulations shall include minimum requirements in the following areas:
  - (a) Minimum room sizes for rooms occupied for sleeping purposes. Rooms occupied by one (1) boarding home resident shall contain at least sixty (60) square feet of floor space. Rooms occupied by more than one (1) occupant shall contain at least forty (40) square feet of floor space for each occupant;
  - (b) Bedding, linens, and laundry services provided to residents;
  - (c) Sanitary and plumbing fixtures, water supply, sewage disposal, and sanitation of the premises;
  - (d) Heating, lighting, and fire prevention, including the installation and maintenance of smoke detectors;
  - (e) Maintenance of the building;
  - (f) Food handling, preparation, and storage, and kitchen sanitation;
  - (g) Nutritional standards sufficient to meet the boarder's need;
  - (h) Complaint procedures whereby residents may lodge complaints with the cabinet concerning the operation of the boarding home; and
  - (i) Initial and periodic screening procedures to ensure that individuals meet the definition of "boarder" under KRS 216B.300(3).
- (3) Prior to the initial or annual registration of a boarding home, the cabinet shall cause an unannounced inspection to be made of the boarding home, either by cabinet personnel or through the local health department acting on behalf of the cabinet, to determine if the boarding home is in compliance with:
  - (a) Standards established in subsections (1) and (2) of this section;
  - (b) Administrative regulations relating to the operation of boarding homes promulgated pursuant to subsection (2) of this section; and
  - (c) All applicable local health, fire, building, and safety codes and zoning ordinances.
- (4) (a) A boarding home shall not be registered to any person, association, business entity, or organization that has been previously penalized for operating a boarding home without a registration or that has had a previously denied or

revoked registration to operate a boarding home, for a period of five (5) years following the date of imposition of the previous penalty or denial or revocation of registration.

- (b) A boarding home operator may appeal the cabinet's denial of initial or annual registration, and an administrative hearing shall be conducted in accordance with KRS Chapter 13B. A hearing held for a summary suspension shall be expedited and shall be in accordance with administrative regulations promulgated by the cabinet. If a boarding home continues to operate in violation of administrative regulations promulgated pursuant to subsection (2) of this section, the cabinet shall institute injunctive proceedings in Circuit Court to terminate the operation of the boarding home.
- (5) Any person, association, business entity, or organization that submits an application to register a boarding home that conceals a previously denied or revoked application or conceals a penalty received for operating a boarding home without a registration shall be liable for a civil penalty of at least one thousand dollars (\$1,000) but not more than five thousand dollars (\$5,000). Any registration issued in reliance upon the application concealing information shall be immediately revoked.
- (6) Initial and annual registration may be denied and existing registration may be revoked for any of the following:
  - (a) The boarding home fails to achieve or maintain substantial and continuing compliance with administrative regulations promulgated pursuant to subsection (2) of this section;
  - (b) The boarding home fails or refuses to correct violations within a reasonable time as specified by the cabinet; or
  - (c) The applicant for registration or the registrant has been convicted of a crime related to abuse, neglect, or exploitation of an adult or has had an incident of adult abuse, neglect, or exploitation as defined in KRS 209.020, substantiated by the cabinet.
- (7) Employees or designated agents of the cabinet shall have the authority to enter at any time a boarding home or any premises suspected of operating as an unregistered boarding home for the purpose of conducting an inspection or investigating a complaint.
- (8) A boarding home shall not handle, store, dispense, or assist with the dispensing of a boarder's prescription or non-prescription medications.
- (9) Upon request of the boarder, the boarding home shall provide access to a lockable compartment for use by a resident who requests secure storage for prescription medication.
- (10) If a boarding home fails to meet a minimum standard established in subsection (2) or (3) of this section and is in such a condition that the cabinet determines that the boarding home's continued operation poses a significant risk to the health and safety of its residents, the cabinet may summarily suspend the registration of the boarding home by ordering that its operations cease until corrections are made or until a hearing is held on the appropriateness of the suspension.

- (11) Nothing in this section or KRS 216B.303 shall be construed to prohibit local governments from imposing requirements on boarding homes that are stricter than those imposed by administrative regulations of the Cabinet for Health and Family Services.

**Effective:** June 20, 2005

**History:** Amended 2005 Ky. Acts ch. 99, sec. 509, effective June 20, 2005. -- Amended 2004 Ky. Acts ch. 170, sec. 2, effective July 13, 2004. -- Amended 1998 Ky. Acts ch. 426, sec. 453, effective July 15, 1998. -- Amended 1996 Ky. Acts ch. 318, sec. 121, effective July 15, 1996. -- Amended 1992 Ky. Acts ch. 63, sec. 1, effective July 14, 1992. -- Created 1990 Ky. Acts ch. 439, sec. 2, effective July 13, 1990.