

**216.540 Persons allowed access to facility during visiting hours -- Rights and duties of visitors -- Denial of access by resident or administrator -- Unrestricted access by employee of cabinet.**

- (1) A long-term care facility shall assure that during the visiting hours established in accordance with KRS 216.537, access to the facility is permitted for:
  - (a) Family members, guardians, and friends of an individual resident, as well as other persons who wish to visit one (1) or more residents and whose purpose is other than the unsolicited sale of a product or service;
  - (b) Individuals representing community organizations or service agencies who will provide, free of charge, a service or educational program to residents;
  - (c) An employee or representative of any private nonprofit corporation or association that qualifies for tax-exempt status under Section 501(a) of the Internal Revenue Code of 1954, 26 U.S.C.A. 1, as amended, whose primary purposes for visiting include counseling residents in resolving problems and complaints concerning their care and treatment, and assisting the residents in securing adequate services to meet their needs.
- (2) Persons assured access to a long-term care facility pursuant to this section shall have the right to enter the facility without prior notice, meet with one (1) or more residents, and observe the operation of the facility as it affects the resident. Such authority shall not include the right to examine the financial records of the facility without the consent of the administrator, nor the clinical and financial records of any resident without the prior consent of the resident or the resident's guardian or committee.
- (3) Persons assured access to a long-term care facility pursuant to this section shall:
  - (a) Upon entering such facility, promptly advise the administrator or his designated representative of their presence except that members of a resident's family, or the legal guardian of a resident need not advise the administrator or his designated representative of his presence upon entering the facility;
  - (b) Not enter the living area of any resident without identifying themselves to the resident.
- (4) Individual residents shall have the right to terminate or deny any visit to them by persons assured access to the facility pursuant to this section. The administrator shall have the right to terminate or deny visitation in accordance with criteria and regulations promulgated by the cabinet.
- (5) Any representative or employee of the cabinet including the long-term care ombudsman or the ombudsman's designee, any representative or employee of any local government entity that has a responsibility regarding residents of long-term care facilities or the legal guardian of any individual resident shall have unrestricted access to all long-term care facilities; however, access as permitted pursuant to paragraphs (b) and (c) of subsection (1) of this section shall be limited to the resident's dining area, living area, recreation area, lounges, and areas open to the general public.

**Effective:** July 15, 1982

**History:** Created 1982 Ky. Acts ch. 157, sec. 3, effective July 15, 1982.