



**CABINET FOR HEALTH AND FAMILY SERVICES
DEPARTMENT FOR AGING AND INDEPENDENT LIVING**

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Adam M. Meier
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Commissioner

TECHNICAL ASSISTANCE MEMORANDUM

TO: Certified Assisted Living Communities
FROM: Department for Aging and Independent Living (DAIL)
DATE: July 1, 2019
RE: 1) Clarification Regarding Stay in Place Guidelines. 2) Posting of Instructions for Delay Egress Doors into the Memory Care Wings. 3) Clarification regarding Independent Living and Assisted Living Certification.

DAIL has recently received a number of questions on the topics of: 1) documentation required for assisted living facilities that are certified as a “stay in place facilities” by the Fire Marshall; 2) the proper posting of Codes and/or instructions on how to operate the entry/exits to the Memory Care Wings; 3) issues with certified assisted living units being designated as “independent living” units. In response to questions and issues raised, DAIL is issuing the following technical assistance guidance:

1. Stay in Place Facilities and Egress Doors

For assisted living facilities that have been deemed a stay in place by the state Fire Marshall., DAIL will need to have documentation of that certification on letterhead from the local Fire Marshal stating that the facility is a Stay in Place facility. Per clarification from the State Fire Marshall, six (6) fire drills are required on an annual basis, two (2) at inconvenient times, and each facility must have an adequate evacuation plan per life safety codes. Therefore, DAIL will also need to see documentation of those drills and plans.



2. Egress Doors

The proper information to and from the Memory Care Wings in an Assisted Living Facility must have visible and readable information posted on how to enter and exit the Memory Care Wings. If a facility has a delayed egress entry there must be clear instruction on how to enter and exit. (Example: “Please press bar for 30 seconds alarm will sound and door will open for exit.”). If there is a key pad, the code must be readable and not construed in pictures, i.e., written backwards etc.

3. Assisted Living Certification and Independent Living

DAIL has recently had issues with facilities using units certified as assisted living units as “Independent Living” units. It has also been reported that some residents in “Independent Living” units are being provided with health services in violation of Kentucky law. The following information should be noted:

1. Once a unit is certified as an assisted living unit, DAIL will expect that unit to meet the legal requirement of KRS 194A, Chapter 700, and 910 KAR 1:240, not independent living. If a facility is conducting functional needs assessments on all residents, they should also be considered assisted living residents.
2. If a facility wishes to decrease the number of units certified as assisted living units, that facility may do so, but must notify DAIL within sixty (60) days of that decrease. DAIL will then decrease the number of units certified as assisted living units accordingly. See 910 KAR 1:240, Section 4 (3).
3. Any credible evidence that a resident is receiving health services in a unit certified as assisted living, but used as an independent living unit, must still be reported to the Office of the Inspector General (OIG) in accordance with KRS 194A. 709 (1). Additionally, it must be noted that facilities providing health services must be licensed by the OIG in order to provide those health services.

We hope that this information has clarified DAIL’s position regarding these issues. If you have any concerns that need to be discussed further, please feel free to contact Branch Manager Carrie K Anglin at carrie.anglin@ky.gov.