

1 AN ACT relating to Medicaid home and community-based waiver residential
2 services.

3 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

4 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 205 IS CREATED TO
5 READ AS FOLLOWS:

6 *(1) Notwithstanding any provision of law to the contrary and to the extent permitted*
7 *under federal law, including but not limited to the Health Insurance Portability*
8 *and Accountability Act of 1996, Pub. L. No. 104-191, an adult, the parent or legal*
9 *guardian of a minor, or the guardian or limited guardian of an incapacitated*
10 *individual who is receiving residential services under a federally approved*
11 *1915(c) home and community based services waiver program, as defined in 907*
12 *KAR 7:005 sec. 1, may waive a right to privacy for the limited purpose of*
13 *installing, or to cause the installation of, video recording devices in the private*
14 *residential room of the individual receiving services.*

15 *(2) The cabinet shall, within ninety (90) days after the effective date of this Act,*
16 *promulgate administrative regulations in accordance with KRS Chapter 13A to*
17 *carry out the provisions of this section, including but not limited:*

18 *(a) The creation of a privacy waiver form;*

19 *(b) Requirements for notifying the residential service provider of the intent to*
20 *install a recording device in the private residential room of an individual*
21 *receiving services;*

22 *(c) Standards for securing, maintaining, and distributing or using video*
23 *recordings; and*

24 *(d) Procedures for installing recording devices in shared or semi-private*
25 *residential rooms.*

26 *(3) Nothing in this section shall be interpreted or construed as requiring the Cabinet*
27 *for Health and Family Services, the Medicaid program, any other state agency, or*

1 *a residential service provider to provide video recording devices or funding for*
2 *video recording devices. All cost associated with video recording devices and the*
3 *installation of the devices shall be the responsibility of the individual resident or*
4 *his or her parent or guardian.*