

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.*