

**REPORT OF THE TASK FORCE
ON BOARDING HOMES**

RESEARCH MEMORANDUM NO. 451

LEGISLATIVE RESEARCH COMMISSION

December, 1991

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TO: Vic Hellard, Jr., Director
Legislative Research Commission

FROM: Representative Louie Mack, Chairman
Task Force on Boarding Homes

SUBJECT: Report of the Task Force on Boarding Homes

DATE: December, 1991

House Concurrent Resolution 24 was adopted during the 1990 session of the General Assembly. The resolution directed the establishment of a Task Force on Boarding Homes to study conditions in and the regulation of boarding homes in the Commonwealth.

This memorandum presents the findings and recommendations of the Task Force.

BG/ta

Enclosure

REPORT OF THE TASK FORCE ON BOARDING HOMES

Task Force on Boarding Homes Membership

LRC Staff:

**Bob Gray
Tonya Ashcraft**

Research Memorandum No. 451

**Legislative Research Commission
December, 1991**

This report was prepared by the Legislative Research Commission and printed with state funds.

Task Force on Boarding Homes Membership

Representative Louie Mack, Chair
Lexington, Kentucky

Senator Tom Buford
Nicholasville, Kentucky

Senator Gerald Neal
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Louisville, Kentucky

Joanne Bell
University of Kentucky
College of Social Work

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Department for Social Services
Cabinet for Human Resource

Marge Brock
Citizen Advocate

Verna Fairchild
Department of Mental Health and
Mental Retardation Services
Cabinet for Human Resources

Jack Wells
Kentucky Association of
Health Care Facilities

BACKGROUND

The 1990 Kentucky General Assembly enacted HCR 24, which establishes a Task Force on Boarding Homes, consisting of ten members to be appointed by the Legislative Research Commission. Included in the Task Force membership are: four members of the Interim Joint Committee on Health and Welfare of the Kentucky General Assembly (two senators and two representatives); one member from the Department for Social Services, Division for Aging Services; one member from the Department for Mental Health and Mental Retardation; two persons who own or operate boarding homes; and two persons who are advocates of the aged, persons with mental retardation, or boarding home clients.

90 HCR 24 outlined four areas of study for the Task Force:

- (1) The role of boarding homes within the Commonwealth's system of care for persons with mental retardation;
- (2) The number and severity of physical and mental abuse cases suffered in boarding homes;
- (3) The extent to which financial exploitation of boarding home residents occurs; and
- (4) The advantages and disadvantages of inspecting and regulating boarding homes.

FINDINGS

The Task Force met six times during the 1990-91 legislative interim. Based on these meetings and a tour of several boarding homes in the Bluegrass area, the Task Force submits the following findings:

Definition of Boarding Home: The Task Force adopted a working definition of "Boarding Home." "Boarding home" means any home, facility, institution, lodging or other establishment, however named, which fits the following criteria:

- (1) The residence accommodates four or more adults not related by blood or marriage to the owner, operator or manager;
- (2) The residence offers room and board on a twenty-four hour basis to persons who are non-students;
- (3) The residence is not specifically licensed as a residential setting by the Cabinet for Human Resources;

- (4) The residence is not a hotel, as defined in KRS 219.011(4); and
- (5) The residence is not regulated or operated by the federal government.

Levels of Residential Long-Term Care: Kentucky has four levels of licensed facilities which provide long-term residential care: Skilled Nursing, Intermediate Care, Personal Care, and Family Care. These facilities are licensed by the Cabinet for Human Resources and are inspected at least once a year to determine compliance with licensure regulations. Each level of care is defined by Kentucky Administrative Regulations (KAR):

Skilled Nursing Facility* (902 KAR 20:025): A skilled nursing facility has inpatient beds, a medical staff, and medical services including physical services. The facility provides continuous nursing services, treatment and care on a twenty-four hour basis for individuals who are not in an acute phase of illness but have a variety of medical conditions which require inpatient care of a convalescent or restorative nature. Residents of skilled nursing facilities have conditions which require continuous nursing care, often involving intravenous feeding, oxygen therapy, and naso-gastric feeding tubes. In 1990 there were 4,315 licensed skilled nursing beds in Kentucky and the care provided in about 50% of these beds was reimbursed by the Medicaid program.

Intermediate Care Facility* (902 KAR 20:050): An intermediate care facility has inpatient beds and provides intermittent services on a twenty-four hours basis for individuals who do not require the degree of care and treatment which a skilled nursing facility provides. Because of the mental or physical conditions of the individuals, service and care are required which are available only on an inpatient basis and through an institutional facility. In 1990 there were 17,605 licensed intermediate care beds in Kentucky and about 70% of the care provided in these beds was reimbursed by the Medicaid program.

Personal Care Home (902 KAR 20:030): A personal care home has resident beds and provides continuous general supervision and residential care for individuals who are able to manage the normal activities of daily living (feeding, walking, bathing, getting in and out of bed, using the bathroom, etc.). Nursing services are not required, but mental or physical disabilities require residential surveillance and the provision of a protective environment to ensure health related services are carried out. In 1990 a total of 9,004 beds were licensed as

*NOTE: Public Law 100-203 combined skilled nursing and intermediate care facilities into a new licensure category called nursing facilities.

Personal Care. Supplemental Security Income (SSI) payments are a major payor of Personal Care, as Medicaid does not pay for Personal Care.

Family Care Homes (902 KAR 20:041): Family care homes are operated and maintained to provide twenty-four hour supervision and personal care services in residential accommodations for two or three individuals who are not related within the third degree of consanguinity to the licensee, are at least eighteen years old, and who, because of impaired capacity for self care, elect to have or require a protective environment but do not have an illness, injury, or disability for which constant medical care or skilled nursing services are required. Residents must be ambulatory or mobile non-ambulatory (can get around with a walker, crutches, or a wheelchair) and able to manage most of the activities of daily living. In 1990 there were 1,320 licensed family care beds. As with Personal Care, Family Care is not reimbursed by Medicaid and SSI is a major payor of Family Care.

Registration of Boarding Homes: KRS 216B.305 (passed by the 1990 Kentucky General Assembly as House Bill 158) requires the registration of boarding homes which accommodate three or more adults not related by blood or marriage to the owner, operator or manager (excluding students). Boarders shall not require supervision or assistance related to medication, activities of daily living or a supervised plan of care. The boarding home is not required to meet any state standards relating to health and safety in order to be registered. Any boarding home that does not register is subject to a \$100 fine and \$10 per day thereafter until registered.

The Area Development Districts (ADD) are responsible for the registration process, in coordination with the Division of Aging Services, which provides a list, updated quarterly, of registered boarding homes. The ADDs send a notice to known boarding homes, informing them of the registration requirement and requesting completion of the registration form. The ADDs also publish public notices in local newspapers, stating the registration requirements for boarding homes and directing operators to contact the ADD office for a registration form. Operators who do not respond to the initial contact are sent a follow-up letter requesting compliance. If there is still no response, a final notice is sent to the boarding home and the Office of the Counsel in the Cabinet for Human Resources notifies the local county attorney to take action against the home.

Federal Involvement in Regulation of Boarding Homes: The **Keys Amendment** (Section 16 (e) of the Social Security Act) was passed by the U.S. Congress in response to growing concerns about

abuse and fires in board and care facilities in the 1970s. It requires states to "establish, maintain and ensure the enforcement of standards" for residences where "a significant number" of SSI recipients reside or are likely to reside. The federal government is required to reduce a recipient's SSI payment if the recipient resides in a facility that has not been approved as meeting the standards established by the state. This penalty provision has never been evoked, and until the passage of 90 HB 158 there has been no organized effort in Kentucky to enforce the Keys Amendment through the identification and regulation of boarding homes.

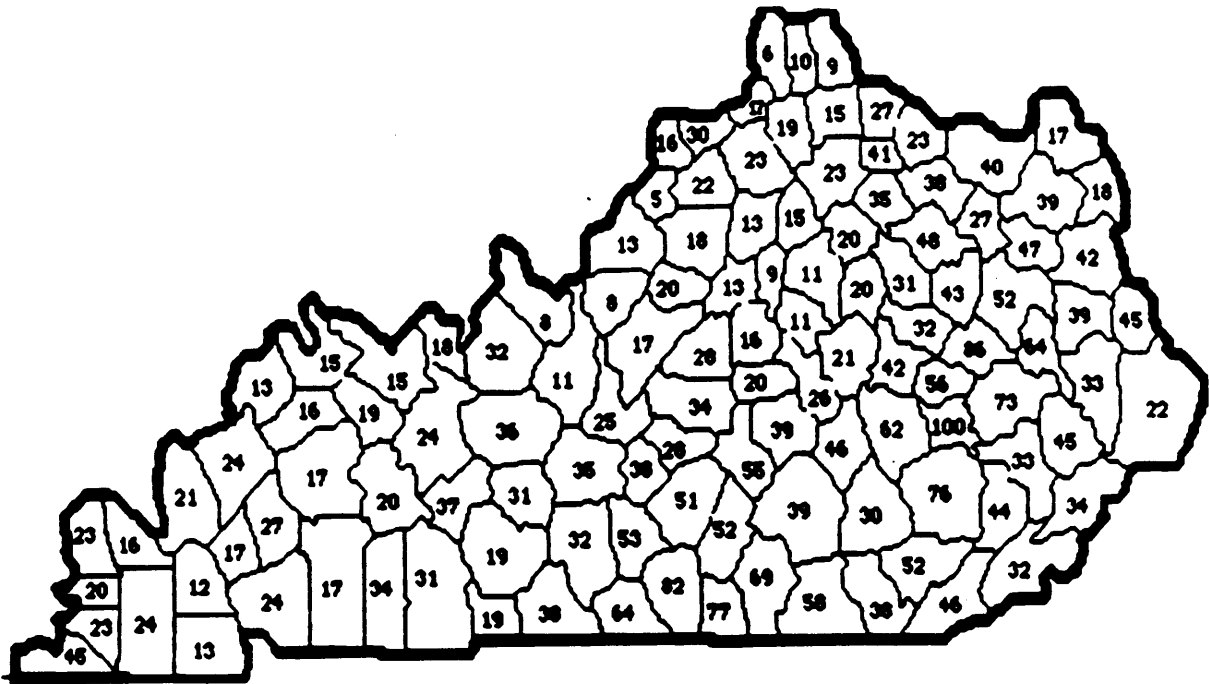
The Veterans Administration Medical Center in Lexington does regulate boarding homes which house veterans, through its **Community Residential Care Program**. Participants in the program are required to comply with Title 38 of the Code of Federal Regulations, which sets forth requirements for specifications of the facility, nutrition, handling of medications, fire and safety, transportation, staffing, and record keeping. Participants are inspected on an annual basis to ensure that these requirements are met, and veterans residing in the facility receive monthly visits from their follow-up social worker. Boarding homes which participate in the VA Community Residential Care Program are exempt from state registration requirements under KRS 216B.305.

SSI Recipients in Kentucky: The federal Supplemental Security Income (SSI) program makes monthly cash payments to individuals who meet certain income requirements and who are over the age of 64, blind, disabled, or physically or mentally handicapped. An individual may receive up to \$407 per month in SSI benefits, and a couple up to \$610 per month. There are a total of 81,871 SSI recipients in Kentucky. About 29%, or 23,615, of these recipients are elderly (age 65 and older) and the remaining 71%, or 57,005 are disabled.

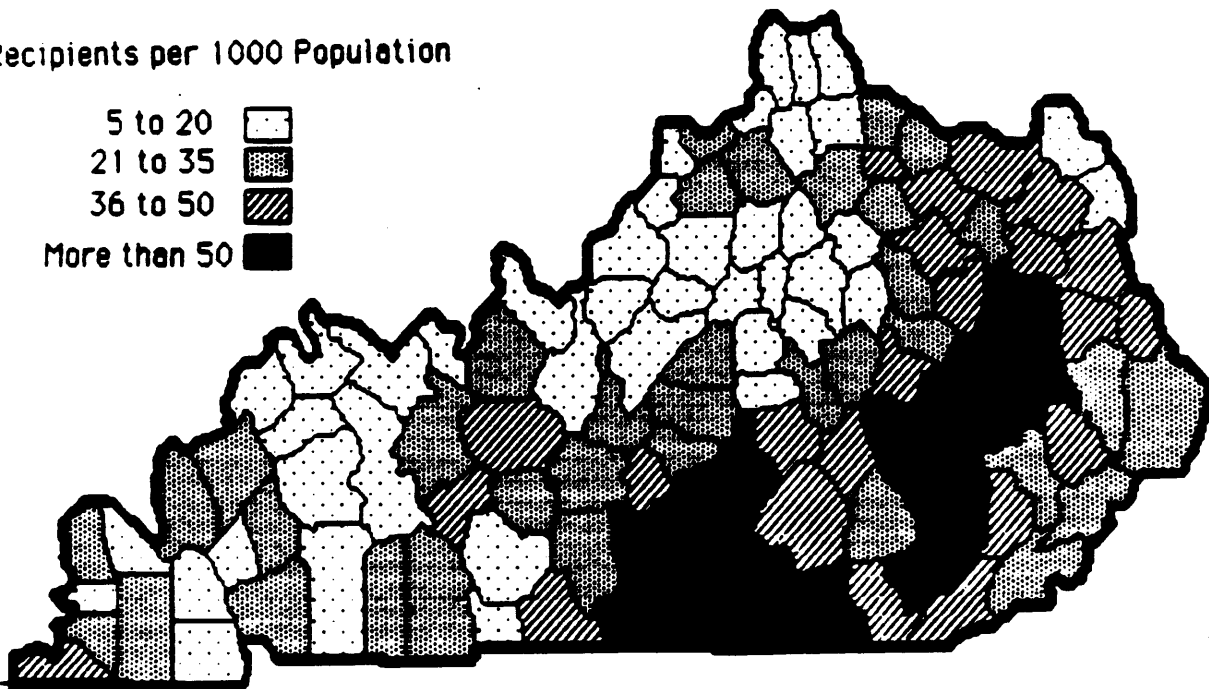
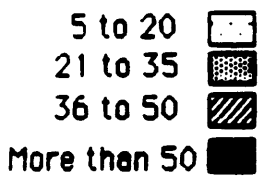
The two distribution maps below give the number of SSI recipients in each county of Kentucky per 1000 persons in the general population of that county. Kentucky has a total population of 3,658,000 people. Statewide, an average of 22.2 persons receive SSI payments per 1000 of the general population. The lowest number of persons receiving SSI per 1000 of the population is Oldham County (5 per 1000); the highest number is Owsley County (100 per 1000). Generally, a high number of recipients per 1000 appears to correlate with a high poverty rate.

The first map gives the absolute number of SSI recipients per 1000 population. In the second map, SSI recipients are grouped into increments according to the key on the left.

SSI Recipients per 1000 Population



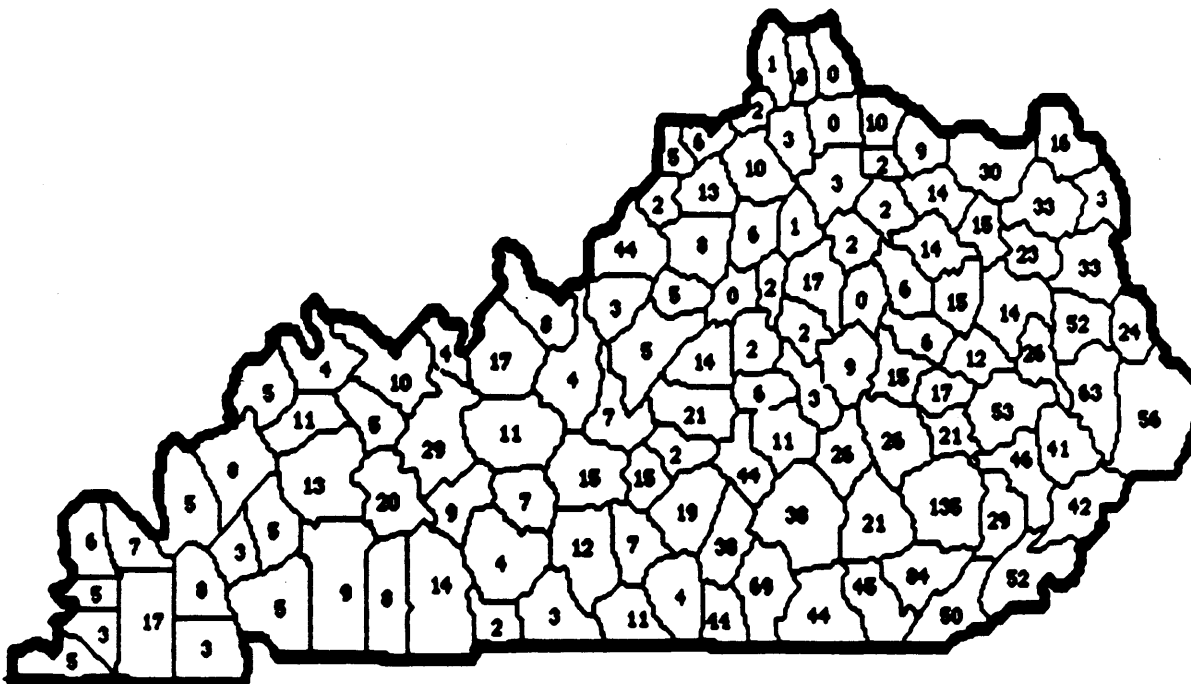
SSI Recipients per 1000 Population



Four or More SSI Payments Received at the Same Address: One strategy for the identification of boarding homes suggested by the Task Force is a listing of addresses where four or more SSI payments are received. Facilities licensed as Family Care Homes are limited to three residents, and are excluded from such a listing. By deleting facilities licensed as Personal Care and Intermediate Care, the remaining addresses may give some indication of the number and distribution of unregistered boarding homes. The following maps are the product of such an effort, using a listing provided in January 1990 by the Kentucky Department for Social Insurance.

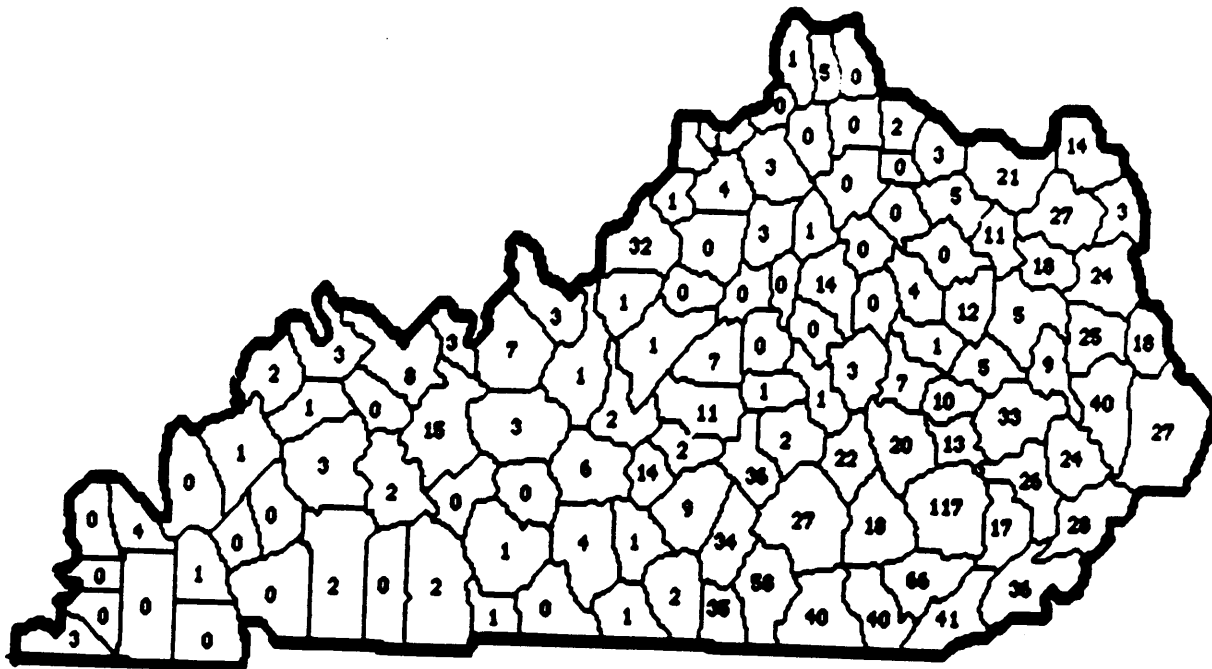
The distribution map below gives the number of addresses by county to which the Kentucky Department of Social Insurance mails four or more SSI payments each month. No addresses have been deleted from the information provided.

Number of Addresses Receiving Four or More SSI Payments



The addresses on the second map have been screened to delete all licensed facilities and all "general delivery" and "rural route" addresses. The number of addresses range from 0 (17 counties) to 117 (Clay County). Counties with a high number of addresses receiving four or more SSI payments are concentrated in the eastern part of Kentucky, particularly in the Lake Cumberland and Cumberland River Area Development Districts in South Central Kentucky.

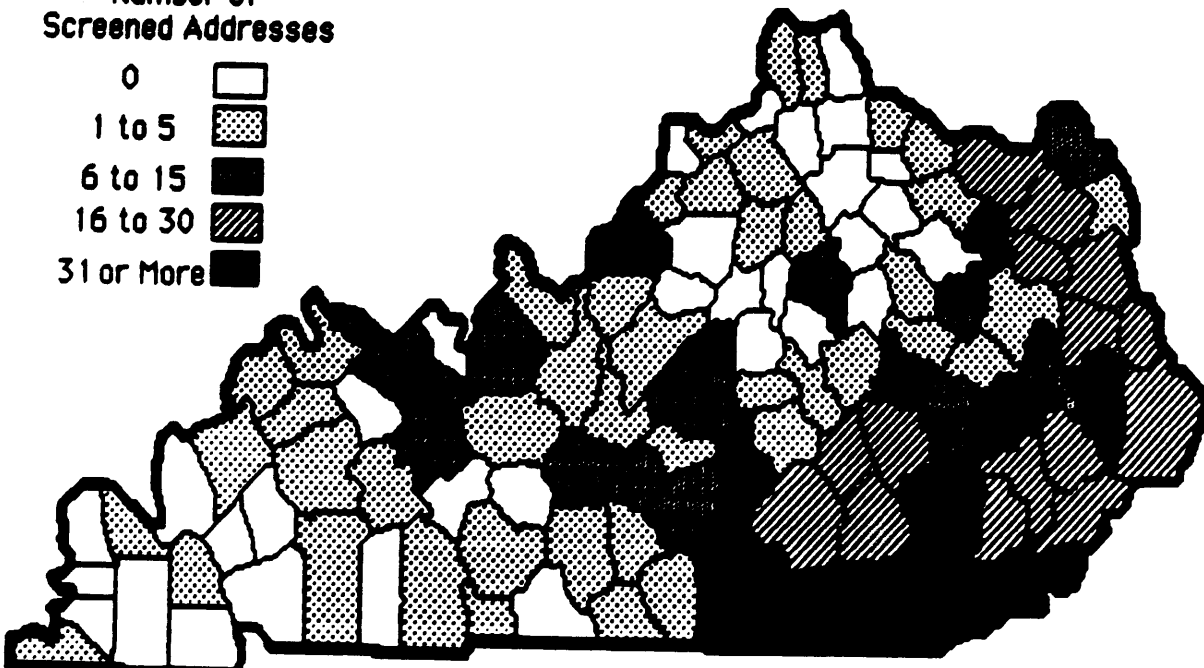
Number of Addresses Receiving Four or More SSI Payments (Screened)



The map below portrays counties grouped by the number of screened addresses within their boundaries.

Number of Screened Addresses

- 0
- 1 to 5
- 6 to 15
- 16 to 30
- 31 or More



Based on this information, the Task Force requested that the Cabinet for Human Resources investigate SSI recipients in Wayne County, where a high number of addresses receive four or more SSI payments, to determine whether boarding homes are being operated at some of those addresses. The Cabinet's response indicated that information about these addresses could not be shared with the Task Force, because it is client-related and is therefore confidential.

Abuse in Boarding Homes: KRS Chapter 209 (The Adult Protection Act) authorizes the Cabinet for Human Resources to investigate reports of known or suspected abuse, spouse abuse/neglect, self-neglect, caretaker neglect or exploitation of persons who are 18 years of age or older and who, because of some mental or physical dysfunctioning, are not able to manage their own resources, carry out activities of daily living, or protect themselves from neglect, hazardous or abusive situations. The law requires that anyone who knows or suspects that an adult meeting this definition being abused or neglected report to the Cabinet for Human Resources.

In Fiscal Year 1990, the Department for Social Services conducted about 17,000 investigations of adult abuse, neglect, and exploitation. Of the 17,000 investigations, 36 of the investigations involved boarding homes. The age range of the victims was from 18 to 89 years old. The regions in which the reports were made are as follows:

District	Number
Purchase	1*
Barren River	13 (7*)
Lincoln Trail	1
Jefferson County	10
Northern Kentucky	1
Gateway	1
Cumberland Valley	1
Bluegrass	<u>8</u>
TOTAL	36

*Spouse Abuse

Boarding Homes and the Mental Health System: The Task Force found that boarding homes are a significant source of housing for patients discharged from Kentucky's three psychiatric hospitals. Information provided by the Department for Mental Health and Mental Retardation Services indicated that 132 patients discharged from State Psychiatric Hospitals in 1990 were referred to a total of 23 different boarding homes. The number of patients discharged to

boarding homes by facility in 1990 is as follows:

Western State Hospital Hopkinsville, KY	8 Patients
Central State Hospital Louisville, KY	34 Patients
Eastern State Hospital Lexington, KY	90 Patients
TOTAL	<hr/> 132

As of September 30, 1991, five of the 23 boarding homes that received patients from state psychiatric hospitals in 1990 have either gone out of business or have not registered as required by KRS 216B.305.

Number of Boarding Homes: In January 1990, prior to the passage of legislation requiring the registration of boarding homes, the Division of Aging Services reported the results of a survey on the number of boarding homes in Kentucky. The results are as follows:

Number of Boarding Homes	135
Number of Residents	377
Number of Elderly Residents	241
Number of Mentally or Physically Impaired Residents	136

The number of boarding homes registered under KRS 216B.305 (90 HB 158), as of September 30, 1991, is 32 statewide, with a total number of 398 boarders. A listing of registered homes is attached at the end of the report.

Boarding Home Visits: In September, the Task Force visited three boarding homes in the Lexington area. A number of concerns were raised as a result of these visits, including:

--The general level of cleanliness in two of the boarding homes was less than adequate;

--Smoke detectors without batteries in place were found in one boarding home; and

--Space allotted to some residents was inadequate, some rooms had three to four residents, and one resident's mattress was placed on the floor.

RECOMMENDATIONS

Based on these findings, the Task Force on Boarding Homes recommends that the 1992 Kentucky General Assembly enact legislation relating to boarding homes which addresses the following areas:

(1) Operating Standards: KRS 216B.305 should be amended to require boarding homes, as a condition of registration, to comply with administrative regulations developed by the Cabinet for Human Resources setting forth operating standards. At a minimum, the regulations should address the following areas:

(a) Minimum room sizes for rooms occupied for sleeping purposes. Rooms occupied by one boarding home resident shall contain at least sixty square feet of floor space. Rooms occupied by more than one occupant shall contain at least forty 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) Handling and storage of residents' prescription drugs, and

(h) Complaint procedures whereby residents may lodge complaints with the cabinet concerning the operation of the boarding home.

Local governments would be permitted to impose stricter standards on boarding homes than those imposed by the Cabinet for Human Resources.

(2) Inspections: All boarding homes should be inspected by the Cabinet for Human Resources prior to annual registration, to determine compliance with all relevant state administrative regulations and applicable local health, fire, building and safety codes and zoning ordinances.

(3) Bill of Rights: A bill of rights for boarding home residents should be established that covers the following rights:

(a) Residents shall be informed in writing of all charges for services offered by a boarding home;

(b) Residents shall be informed in writing of their rights as residents;

(c) Residents shall be allowed to exercise their full rights as citizens and may voice grievances and recommend changes in the operation of the boarding home;

(d) Residents shall be free from mental and physical abuse;

(e) Residents may manage personal funds and the boarding home operator shall not require a resident to designate the operator as a payee for any benefits received by the resident. If a resident voluntarily assigns benefits to an operator, a full accounting shall be made to the resident of any expenditures made by the operator on behalf of the resident;

(f) Residents shall not be required to perform services for the boarding home;

(g) Residents may associate and communicate privately with persons of their choice;

(h) Residents shall be permitted to leave the premises as they wish;

(i) Residents shall be permitted to participate in social activities at their discretion;

(j) Residents shall be assured of visual privacy in multi-bed rooms and in bathrooms;

(k) Residents who have been adjudicated wholly mentally disabled shall not be placed in boarding homes by their guardians;

(l) A resident shall be treated with consideration, respect, and full recognition of the resident's dignity and individuality;

(m) Residents shall have access to a telephone to receive and make telephone calls;

(n) Residents shall have the right to private meetings with representatives of the Cabinet for Human Resources;

(o) Residents shall have access to all inspection reports on the boarding home.

(4) Notification of Local Authorities: KRS 216B.310, which requires the Cabinet for Human Resources to update quarterly the listing of registered boarding homes, should be amended to require the list to be sent to all local health departments and fire departments at the time it is updated.

(5) Referral of Mental Health Patients: No patient in a state institution for the mentally ill or mentally retarded should be discharged to a boarding home unless it is registered pursuant to KRS 216B.305. If a patient is discharged to a boarding home, quarterly follow-up visits should be conducted by the Cabinet for Human Resources, or through contract with Regional Community Mental Health/Mental Retardation Centers. As a result of such follow-up visits, residents found to have needs that cannot be met by the boarding home should be referred to the Department for Social Services for appropriate placement. Any boarding home suspected of operating as an unlicensed personal care home should be referred for investigation to the Division of Licensing and Regulation.

(6) Identification of Potential Boarding Homes: The Cabinet for Human Resources should be required to conduct an annual review of all addresses or locations at which four or more persons reside who receive state supplementation of federal supplemental security income benefits, to determine whether the address or location is a boarding home that has not registered pursuant to KRS 216B.305.

**BOARDING HOMES REGISTERED
AS OF SEPTEMBER 30, 1991**

PURCHASE ADD	COUNTY	# BOARDERS
Residential Care Center of Paducah, Inc. 2301 Irvine Cobb Drive Paducah, Kentucky 42003 Randall G. Shelby, Adm. Director Telephone: 442-6441	McCracken	36
W.B. Sanders Retirement Center 820 Washington Paducah, Kentucky 42003 Debra K. Winzell, Adm. Director Telephone: 442-7591	McCracken	61
PENNYRILE ADD		
Jean's Boarding Home 226 W. Bellville Marion, Kentucky 42064 Velma J. Ford, Owner Telephone: 965-2402	Crittenden	3
GREEN RIVER ADD		
None		
BARREN RIVER ADD		
Rooming and Boarding House 523 East 12th Street Bowling Green, Kentucky 42101 Maudie Pierce, Owner Telephone: 843-6293	Warren	8
Alyne Young's Mini Home 410 North Third Street Cave City, Kentucky 42127 Alyne Young, Owner Telephone: 773-3733	Barren	4
Wilma Rogers Mini Home 6601 New Bowling Green Road Glasgow, Kentucky 42141 Wilma Rogers, Owner Telephone: 678-1362	Barren	3

LINCOLN TRAIL ADD

None

KIPDA

Brockman Boarding House 7900 Minors Lane Louisville, Kentucky 40219 Gilda Brockman, Owner Telephone: 966-8770	Jefferson	12
Doris McGlasson Boarding Home 235 East Kentucky Street Louisville, Kentucky 40203 Doris McGlasson, Owner Telephone: 587-0798	Jefferson	4
Carter's Boarding Home 1923 West Chestnut Street Louisville, Kentucky 40203 Lawrence Carter, Owner Telephone: 774-1710	Jefferson	6
Filson Care Home 1550 Raydale Drive Louisville, Kentucky 40219 Kathy Vincent, Contact Telephone: 968-6600	Jefferson	0
Glenmary Home 2215 Glenmary Avenue Louisville, Kentucky 40204 Mary Christine Bell, Owner Telephone: 452-2508	Jefferson	14
Unique Boarding Home 325 East St. Catherine Street Louisville, Kentucky 40203 Mrs. Corinne Bell, Owner Telephone: 776-7159	Jefferson	7
Twinbrook Hotel Apartments 3525 Ephraim McDowell Drive Louisville, Kentucky 40205 B. Scott McCoy, Contact Telephone: 452-6330	Jefferson	45

Twinbrook Hotel Apartments West 3523 Ephraim McDowell Drive Louisville, Kentucky 40205 B. Scott McCoy Telephone: 452-6330	Jefferson	16
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NORTHERN KENTUCKY ADD

Regina Cleri Home Carmel Manor Road Fort Thomas, Kentucky 41075 Carmel Manor, Owner Telephone: (606) 781-5111	Campbell	4
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BUFFALO TRACE ADD

None

GATEWAY ADD

Ferguson's Boarding Home 215 Leisure Lane Morehead, Kentucky 40351 Jewel Ferguson, Owner Telephone: (606) 784-7178	Rowan	12
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Phillip's Boarding Home 336 Clayton Lane Morehead, Kentucky 40351 David & Minnie Phillips, Owner Telephone: (606) 784-9685	Rowan	6
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Betty's Personal Care 118 Daniel Avenue Morehead, Kentucky 40351 Betty Warren, Owner Telephone: (606) 783-1618	Rowan	7
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White's Home 168 Caskey Loop Clearfield, Kentucky 40313 Betty Warren, Owner Telephone: (606) 784-9785	Rowan	3
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FIVCO ADD

Jennings Boarding House Route 1, Box 592 Olive Hill, Kentucky 41164 Louvon Jennings, Owner Telephone: (606) 738-6921	Elliott	4
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BIG SANDY ADD

Tibbs' Boarding Home
814 N. Mayo Trail
P.O. Box 1377
Pikeville, Kentucky 41502
Betty Tibbs, Owner
Telephone: (606)437-6501

KENTUCKY RIVER ADD

None

CUMBERLAND VALLEY ADD

None

LAKE CUMBERLAND ADD

None

BLUEGRASS ADD

Messner Home, Inc.
708 Hill Rise
Lexington, Kentucky 40504

Fayette

63

708 1/2 Cottage
Lexington, Kentucky 40504

1702 Versailles Road
Lexington, Kentucky 40504
Ralph & Mary Messner, Owner.
Telephone: (606) 268-3834

(The Messners operate three homes for veterans which are VA regulated but insisted on registering.)

Moore's Boarding Home
710 Versailles Road
Lexington, Kentucky 40504
Isabelle Moore & K.L. Wilson, Owners
Telephone: (606) 253-1015

Fayette

13

Burton's Boarding Home
147-151 East Third Street
Lexington, Kentucky 40508
Delbert & Juanita Burton, Owner
Telephone: (606) 255-3576

Fayette

24

Harold & Rosemary Hockensmith 315 West Third Street Frankfort, Kentucky 40601 Harold & Rosemary Hockensmith, Owner Telephone: 875-1757	Franklin	3
Eals Boarding Home 239 North Church Street Cynthiana, Kentucky 41031 Norma Jean Eals, Owner Telephone: (606) 234-3205	Harrison	3
Kelly's Boarding House 229 North Church Street Cynthiana, Kentucky 41031 Doris Kelly, Owner Telephone: (606) 234-1568	Harrison	13
Collins Boarding House 222 North Church Street Cynthiana, Kentucky 41031 Estill G. Collins, Owner Telephone: (606) 234-6987	Harrison	3
Ritchie's Boarding Home 324 Pleasant Street Cynthiana, Kentucky 41031 Mattie Welch, Owner Telephone: (606) 234-3936	Harrison	5
Morton's Boarding Home 336 Campsie Lexington, Kentucky 40508 Eva Hart, Owner Telephone: (606) 253-4740	Fayette	7

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