

1 AN ACT relating to the behavioral health conditional dismissal program.

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

3 ➔Section 1. KRS 533.282 is amended to read as follows:

- 4 (1) In establishing a specific behavioral health disorder treatment plan, the program  
5 provider formulating the plan shall consider the following:
- 6 (a) The existence of programs and resources within the community;
  - 7 (b) Available treatment providers;
  - 8 (c) Available recovery housing;
  - 9 (d) Accessible public and private agencies;
  - 10 (e) The benefit of keeping the participant in his or her community or relocation  
11 for purposes of treatment, housing, and other supportive services;
  - 12 (f) The safety of the victim of the offense if there is an identified victim; and
  - 13 (g) The specific and personalized needs of the participant, including the choice of  
14 the participant.
- 15 (2) A program shall be designed to provide the participant with the skills, training, and  
16 resources needed to maintain recovery and prevent the person from engaging in  
17 criminal activity arising from a behavioral health disorder upon release from the  
18 program.
- 19 (3) A behavioral health treatment program under KRS 533.270 to 533.284 shall be  
20 evidence-based, and may be a behavioral treatment plan, a medically assisted  
21 treatment plan, or both, with recovery services or a Substance Abuse and Mental  
22 Health Services Administration evidence-based recovery housing program. The  
23 program shall provide at a minimum access, as needed, to:
- 24 (a) Inpatient detoxification and treatment that may include a faith-based  
25 residential treatment program;
  - 26 (b) Outpatient treatment;
  - 27 (c) Drug testing;

- 1 (d) Addiction counseling;
- 2 (e) Cognitive and behavioral therapies;
- 3 (f) Medication-assisted treatment, including:
- 4 1. At least one (1) federal Food and Drug Administration-approved agonist
- 5 medication for the treatment of opioid or alcohol dependence;
- 6 2. Partial agonist medication;
- 7 3. Antagonist medication; and
- 8 4. Any other approved medication for the mitigation of opioid withdrawal
- 9 symptoms;
- 10 (g) Educational services;
- 11 (h) Vocational services;
- 12 (i) Housing assistance;
- 13 (j) Peer support services; and
- 14 (k) Community support services that may include faith-based services.
- 15 (4) *A program provider may provide services directly to the participant or in*
- 16 *conjunction with other treatment providers to ensure all required services under*
- 17 *the treatment plan are accessible and received.*
- 18 (5) Except for recovery housing providers, all treatment providers shall:
- 19 (a) Meet the licensure requirements and standards established by the Cabinet for
- 20 Health and Family Services under KRS Chapter 222;
- 21 (b) Qualify as a Medicaid-approved provider; and
- 22 (c) Be accredited by at least one (1) of the following:
- 23 1. American Society of Addiction Medicine;
- 24 2. Joint Commission on the Accreditation of Healthcare Organizations;{
- 25 ø}
- 26 3. Commission on Accreditation of Rehabilitation Facilities;{
- 27 *4. The Council on Accreditation; or*

1                    **5. Other accreditations or standards established by the cabinet.**

2     ~~(6)~~~~(5)~~ All recovery housing service providers shall:

- 3            (a) Be certified using the National Alliance for Recovery Residences standards **or**  
4                    **meet Oxford House standards;**  
5            (b) Provide evidence-based services;  
6            (c) Provide a record of outcomes;  
7            (d) Provide peer support services; and  
8            (e) Address the social determinants of health.

9     ~~(7)~~~~(6)~~ (a) The Department for Medicaid Services, in conjunction with the program  
10            provider, shall assist any program participant who qualifies for Medicaid  
11            services to obtain or access Medicaid services for his or her behavioral health  
12            disorder treatment or recovery program.

13            (b) The Department for Medicaid Services and its contractors shall provide an  
14            individual participating in the behavioral health conditional dismissal program  
15            with the substance use disorder benefit as provided under KRS 205.6311.

16            (c) A Medicaid managed care organization shall treat any referral for treatment  
17            under KRS 533.270 to 533.284 as an "expedited authorization request" as  
18            provided under KRS 205.534(2)(a)2.b.

19     ~~(8)~~~~(7)~~ Recovery housing services provided under this pilot program shall:

20            (a) Be paid utilizing a value-based payment system developed and established by  
21            the medical managed care organizations in conjunction with the Department  
22            for Medicaid Services and recovery housing providers. The value-based  
23            payment system shall be established no later than January 1, 2023, and shall  
24            include the following for recovery housing programs:

- 25            1. The development of a qualified recovery housing provider network; and  
26            2. Establishment and implementation of a value-based payment system that  
27            shall include the regular collection of outcomes data within existing

1 Medicaid reimbursement regulations; and

2 (b) Be limited to two hundred (200) individuals unless additional funding  
3 designated for recovery housing is available through the Cabinet for Health  
4 and Family Services.

5 ➔Section 2. KRS 533.288 is amended to read as follows:

- 6 (1) The Behavioral Health Conditional Dismissal Program Implementation Council is  
7 created for the purpose of assisting with the implementation of the behavioral health  
8 conditional dismissal pilot program created under KRS 533.272.
- 9 (2) The membership of the council shall include the following:
- 10 (a) The executive director of the Office of Drug Control Policy, or his or her  
11 designee, who shall serve as chair of the council;
- 12 (b) The director of the Administrative Office of the Courts, or his or her designee;
- 13 (c) The commissioner of the Department for Behavioral Health, Developmental  
14 and Intellectual Disabilities, or his or her designee;
- 15 (d) The commissioner of the Kentucky Department for Medicaid Services, or his  
16 or her designee;
- 17 (e) The public advocate, or his or her designee;
- 18 (f) A member of the Kentucky Commonwealth's Attorneys' Association, elected  
19 by its membership;
- 20 (g) A member of the Kentucky County Attorneys Association;
- 21 (h) One (1) Circuit Judge, elected by the Circuit Judges Association of Kentucky;
- 22 (i) One (1) District Judge, elected by the District Judges Association of  
23 Kentucky;
- 24 (j) **The executive director of the Office of Adult Education, or his or her**  
25 **designee;**
- 26 **(k)** The executive director of the Kentucky Jailers Association, or his or her  
27 designee; and

- 1        ~~(1)(k)~~ Two (2) individuals selected by the Kentucky Association of Regional  
2                    Programs, one (1) of whom shall be in recovery from a substance use disorder  
3                    and one (1) of whom is being treated or has been treated for a mental health  
4                    disorder as defined in KRS 533.270.
- 5        (3) The council shall meet at least quarterly. Meetings shall be held at the call of the  
6                    chair, or upon the written request of two (2) members to the chair.
- 7        (4) The council shall:
- 8                    (a) Oversee the implementation of the behavioral health conditional dismissal  
9                    program pilot project; and
- 10                    (b) Review the data collected by the Administrative Office of the Courts and  
11                    report to the Interim Joint Committee on Judiciary and the Governor by  
12                    October 1 of each year of the pilot project regarding:
- 13                    1. Recommendations for any additional performance measures needed to  
14                    promote the success of the program;
- 15                    2. Whether any action is necessary, including funding or legislation;
- 16                    3. Recommendations for resolving any matters that reduce the  
17                    effectiveness of the program; and
- 18                    4. Any additional information the council deems appropriate.
- 19        (5) Members shall not receive any additional compensation for their service on the  
20                    council but shall be reimbursed for all necessary expenses.
- 21        (6) The council shall be attached to the Justice and Public Safety Cabinet for  
22                    administrative purposes.
- 23        (7) The council shall terminate December 31, 2027, unless extended by the General  
24                    Assembly.