

AN ACT relating to regional service areas for mental health or individuals with an intellectual disability.

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

➔Section 1. KRS 210.370 is amended to read as follows:

(1) The following fifteen (15) regional service areas for mental health or individuals with an intellectual disability are hereby created and established:

(a) Regional service area one (1), which shall include the counties of Ballard, Carlisle, Hickman, Fulton, McCracken, Graves, Marshall, Livingston, and Calloway;

(b) Regional service area two (2), which shall include the counties of Crittenden, Lyon, Caldwell, Hopkins, Muhlenberg, Trigg, Christian, and Todd;

(c) Regional service area three (3), which shall include the counties of Union, Henderson, Webster, McLean, Daviess, Ohio, and Hancock;

(d) Regional service area four (4), which shall include the counties of Logan, Simpson, Butler, Warren, Edmonson, Hart, Barren, Allen, Metcalfe, and Monroe;

(e) Regional service area five (5), which shall include the counties of Breckinridge, Meade, Grayson, Hardin, Larue, Nelson, Washington, and Marion;

(f) Regional service area six (6), which shall include the counties of Bullitt, Henry, Jefferson, Oldham, Shelby, Spencer, and Trimble;

(g) Regional service area seven (7), which shall include the counties of Boone, Kenton, Campbell, Carroll, Gallatin, Owen, Grant, and Pendleton;

(h) Regional service area eight (8), which shall include the counties of Bracken, Mason, Robertson, Fleming, and Lewis;

(i) Regional service area nine (9), which shall include the counties of Rowan,

Bath, Montgomery, Menifee, and Morgan;

(j) Regional service area ten (10), which shall include the counties of Greenup,

Boyd, Carter, Elliott, and Lawrence;

(k) Regional service area eleven (11), which shall include the counties of

Johnson, Magoffin, Martin, Floyd, and Pike;

(l) Regional service area twelve (12), which shall include the counties of Wolfe,

Owsley, Lee, Breathitt, Leslie, Perry, Knott, and Letcher;

(m) Regional service area thirteen (13), which shall include the counties of

Jackson, Rockcastle, Laurel, Clay, Knox, Whitley, Bell, and Harlan;

(n) Regional service area fourteen (14), which shall include the counties of

Taylor, Adair, Green, Casey, Russell, Pulaski, Clinton, Cumberland,

Wayne, and McCreary; and

(o) Regional service area fifteen (15), which shall include the counties of

Anderson, Franklin, Woodford, Mercer, Boyle, Lincoln, Garrard,

Jessamine, Fayette, Scott, Harrison, Bourbon, Nicholas, Clark, Madison,

Powell, and Estill.

(2) Notwithstanding subsection (1) of this section, any combination of cities or counties of over fifty thousand (50,000) population, and upon the consent of the secretary of the Cabinet for Health and Family Services, any combination of cities or counties with less than fifty thousand (50,000) population, may establish a regional community services program for mental health or individuals with an intellectual disability and staff same with persons specially trained in psychiatry and related fields. Such programs and clinics may be administered by a community board for mental health or individuals with an intellectual disability established pursuant to KRS 210.370 to 210.460, or by a nonprofit corporation.

➔Section 2. KRS 210.380 is amended to read as follows:

(1) Each regional service area established in Section 1 of this Act or any[Every]

combination of cities and counties establishing a regional community services program for mental health or individuals with an intellectual disability shall, before it comes within the provisions of KRS 210.370 to 210.460, establish a community board for mental health or individuals with an intellectual disability consisting of at least nine (9) members. When a nonprofit corporation is the administrator of such a program not established by a combination of either cities or counties, such corporation shall select a community board for mental health or individuals with an intellectual disability which shall be representative of the groups herein enumerated, but the number of members need not be nine (9). When any combination of cities and counties establishes a regional community services program for mental health or individuals with an intellectual disability, the chief executive officer of each participating city or county shall appoint two (2) members to a selecting committee which shall select the members of the board. Membership of the community boards for mental health or individuals with an intellectual disability shall be representative of the elected chief executives of county governments, local health departments, medical societies, county welfare boards, hospital boards, lay associations concerned with mental health and intellectual disabilities as well as labor, business and civic groups, and the general public.

(2) (a) Except as provided in paragraph (b) of this subsection, a community board for mental health or individuals with an intellectual disability, whether established directly by the counties of a regional service area, any other combination of cities and counties, or a nonprofit corporation designated to administer a regional community services program, shall not provide services outside of its regional service area as established in Section 1 of this Act or outside of the jurisdiction of the cities and counties that have combined to form the regional community services program for mental health or individuals with an intellectual disability.

(b) A community board for mental health or individuals with an intellectual disability may only provide services outside of its regional service area as established in Section 1 of this Act or the jurisdiction of the cities and counties that have combined to form the regional community services program if it:

1. a. Is licensed by the Cabinet for Health and Family Services as a behavioral health services organization; and
- b. Complies with administrative regulations promulgated by the Cabinet for Health and Family Services related to behavioral health services organizations when providing services outside of its regional service area or jurisdiction or the jurisdiction of the cities and counties that have combined to form the regional community services program; or
2. Is approved by the secretary pursuant to this subparagraph to provide a service in another regional service area or the jurisdiction of the cities and counties that have combined to form the regional community services program. If a community board for mental health or individuals with an intellectual disability notifies the secretary in writing that the community board is unable to provide a service that is included in its respective plan and budget for the current fiscal year, the secretary shall first contact the community boards for mental health and individuals with an intellectual disability in the regions contiguous to the region that has notified the secretary to assess their interest in and ability to provide the service that the community board indicated it is unable to provide. If a community board in a contiguous region is interested in and able to provide the service, the secretary shall approve it to provide that service in the regional service area of

the community board that made notice to the secretary. If a community board in a contiguous region is not interested in or is unable to provide the service, the secretary shall contact all other community boards to assess their interest in and ability to provide the service that the community board indicated it is unable to provide. If another community board in a noncontiguous region is interested in and able to provide the service, the secretary shall approve it to provide that service in the regional service area of the community board that made notice to the secretary.

(3) A community board for mental health or individuals with an intellectual disability that is providing services outside of its regional service area as established in Section 1 of this Act on the effective date of this Act shall have twelve (12) months from the effective date of this Act to either become a licensed behavioral health services organization or cease providing services outside of its regional service area.

➔Section 3. KRS 210.410 is amended to read as follows:

- (1) The secretary of the Cabinet for Health and Family Services is hereby authorized to make state grants and other fund allocations from the Cabinet for Health and Family Services to assist any *regional service area established in Section 1 of this Act, any* combination of cities and counties, or nonprofit corporations in the establishment and operation of regional community mental health and intellectual disability programs which may provide primary care services and shall provide at least the following services:
- (a) Inpatient services;
 - (b) Outpatient services;
 - (c) Partial hospitalization or psychosocial rehabilitation services;
 - (d) Emergency services;

- (e) Consultation and education services; and
 - (f) Services for individuals with an intellectual disability.
- (2) The services required in subsection (1)(a), (b), (c), (d), and (e) of this section, in addition to primary care services, if provided, shall be available to the mentally ill, drug abusers and alcohol abusers, and all age groups including children and the elderly. The services required in subsection (1)(a), (b), (c), (d), (e), and (f), in addition to primary care services, if provided, shall be available to individuals with an intellectual disability. The services required in subsection (1)(b) of this section shall be available to any child age sixteen (16) or older upon request of such child without the consent of a parent or legal guardian, if the matter for which the services are sought involves alleged physical or sexual abuse by a parent or guardian whose consent would otherwise be required.