

Community Mental Health Centers (CMHCs) Regional Service Areas

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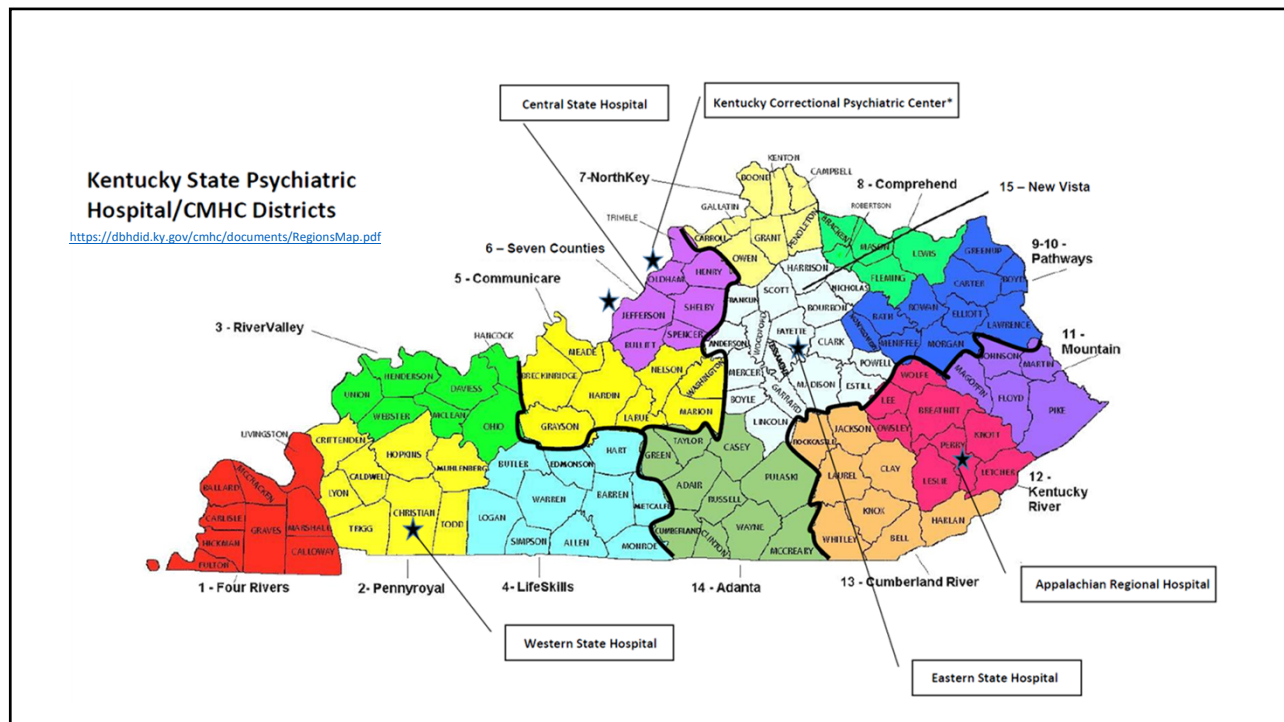
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Regional Community Mental Health Centers

- The Community Mental Health Center Act was signed by President John F. Kennedy in 1963, shortly before his assassination. It moved thousands of individuals out of psychiatric institutions into treatment in their home communities.
- Kentucky was the FIRST state to implement the federal law by establishing the statewide system of Regional Community Mental Health Centers in statute and guaranteeing that each of Kentucky's 120 counties would receive services for mental illness, addictions and intellectual disabilities.
- CMHCs were established in statute in 1964: KRS 210.370 – 485.
- There are fourteen (14) Regional Community Mental Health Centers (CMHCs) serving all 120 counties of Kentucky (see map).

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Regional Community Mental Health Centers

- The regions assigned to each CMHC mirror the Area Development Districts with one exception: Livingston County which is in CMHC Region 1, but is in Area Development District 2.
- There are fourteen (14) CMHCs, as Pathways serves AD Districts 9 & 10. Pathways was asked to merge with AD District 9 a number of years ago.
- The CMHCs are recognized as licensed regional entities by:
 - Statutory reference
 - Regulatory reference
 - Medicaid Manual reference
 - DBHDID Contract reference
- CMHCs are quasi-governmental organizations.

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Examples of Organizations with a Defined Region

1. Local School Districts
2. Local or District Health Departments
3. Area Development Districts
Districts are defined in KRS 147A.050 with counties named for each
4. Child Advocacy Centers
Regions are defined in 922 KAR 1:580 as the Area Development Districts
5. Domestic Violence Shelters
Regions are defined in KRS 209A.045 as the Area Development Districts
6. Rape Crisis Centers
Regions are defined in 922 KAR 8:010 as the Area Development Districts

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CMHCs Are Not the Only Providers of MH Services

- In 2014 with the expansion of Medicaid in Kentucky, the Cabinet for Health & Family Services (CHFS) created another licensure category for organizations to provide mental health services billable to Medicaid. These are the Behavioral Health Service Organizations – **BHSOs**.
- Unlike the CMHCs which are required to provide 24/7 availability and crisis response and the full range of supports and services for individuals with mental illness, addictive disorders and intellectual disabilities and have designated service regions, BHSOs can select any mental health service to provide in any area(s) of the Commonwealth.
- There are 14 CMHCs licensed in Kentucky; there are currently 156 BHSOs licensed in the state.

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Community Mental Health Center (CMHC) and Behavioral Health Service Organization (BHSO)

CMHCs

1. Cost-Based Reimbursement from KY Medicaid
2. MCO Negotiated Rates
3. Established in Statute and in Regulation

BHSOs

1. Fee Schedule from KY Medicaid
2. MCO Negotiated Rates
3. Established in Regulation

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The Current Problem & The Solution

- One CMHC has been providing mental health services in the designated service regions of 8 other CMHCs. They are now identifying themselves as a CMHC in 56 counties outside of their service region.
- They are functioning as a BHSO, providing a limited mental health service in a single location and not providing all of the other availabilities and services required of CMHCs.
- They are billing these services at the CMHC rate, not at the BHSO rate, although they are functioning as a BHSO.
- HB 349 (2022 GA) attempted to address this problem. New legislation will be filed in the 2023 GA to put the counties in each region in statute, to designate CMHCs as having deemed status as BHSOs and requiring any CMHC providing services outside of their region to do so as a BHSO.

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KRS 210.370-485

KRS 210.370-485 Regional Community Mental Health Program:

- There are 14 statutes included in KRS 210.370-485
- These outline the governance, responsibilities, and duties of CMHCs.
- The word “Regional” or “Region” is used **13 times** in these statutes.
- Since passage in 1964, these statutes have been amended during 17 different legislative sessions, most recently in 2019. It should be noted there has been ample opportunity to change the “Regional” imperative, but it has remained intact.

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902 KAR 20:091. Facilities specifications, operation and services; community mental health center.

Section 2. Scope of Operation and Services.

(1) A community mental health center: (a) Shall provide a comprehensive range of accessible and coordinated behavioral health (mental health and substance abuse services) and services for individuals with an intellectual or developmental disability, including direct or indirect services to the ***population of a designated regional service area***, as required by KRS 210.370 to 210.480;

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**Department of Medicaid Services
Community Mental Health Center Behavioral Health Services Manual
(May 2015)**

- Section III. Conditions of Participation
- A. Provider

As defined in 902 KAR 20:091 - A Community Mental Health Center (CMHC) shall provide a comprehensive range of accessible and coordinated mental health services, including direct or indirect mental health services to the population of a **designated regional service area** as required by KRS 210.370 to 210.480.

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908 KAR 2:010. Local Board Authority

Section 1. Grants. All grants for local programs in behavioral health, developmental and intellectual disabilities implemented under the auspices of the cabinet shall be directed to agencies recognized as **regional behavioral health, developmental and intellectual disabilities boards** by the Cabinet for Health and Family Services, Department for Behavioral Health, Developmental and Intellectual Disabilities, the **regional behavioral health, developmental and intellectual disabilities boards** shall become **the local authority**. Recognition as **local authority** shall be renewed annually provided the board is in compliance with applicable federal and state laws, and administrative regulations relating to behavioral health, developmental and intellectual disabilities boards.

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908 KAR 2:030. Board Structure and Operation; Eligibility for State Grants

Section 3. Membership Criteria for the Board.

(3) All directors shall reside within the **geographic catchment areas**; directors shall be selected to provide at least one (1) representative from **each county encompassed**.

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Questions?

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