

1 AN ACT relating to peer support professionals and declaring an emergency.

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

3 → Section 1. KRS 222.233 is amended to read as follows:

4 The Cabinet for Health and Family Services shall promulgate administrative regulations
5 in accordance with KRS Chapter 13A to:

6 (1) **Require that:**

- 7 (a) **Until January 1, 2027, licensed alcohol and other drug treatment entities,**
8 **behavioral health service organizations, behavioral health multi-specialty**
9 **groups, and any entities that bill for peer support services that employ an**
10 **alcohol and drug peer support specialist, only employ an alcohol and drug**
11 **peer support specialist who is either registered under KRS 309.0831 or**
12 **meets the requirements of applicable administrative regulations in effect on**
13 **or after July 15, 2024; and**~~Until January 1, 2026, require that licensed~~
14 ~~alcohol and other drug treatment entities and behavioral health service~~
15 ~~organizations only employ a temporary alcohol and drug peer support~~
16 ~~specialist or alcohol and drug peer support specialist who is registered under~~
17 ~~KRS Chapter 309 or a temporary alcohol and drug peer support specialist or~~
18 ~~alcohol and drug peer support specialist who meets the requirements of~~
19 ~~applicable administrative regulations in effect on July 15, 2024, or any~~
20 ~~applicable administrative regulations promulgated thereafter.]~~
21 (b) Beginning January 1, **2027**~~[2026]~~, ~~[require that]~~licensed alcohol and other
22 drug treatment entities, ~~[and]~~ behavioral health service organizations,
23 **behavioral health multi-specialty groups, and any entities that bill for peer**
24 **support services that**~~[only]~~ employ **an**~~[a temporary alcohol and drug peer~~
25 ~~support specialist or]~~ alcohol and drug peer support specialist **only employ an**
26 **alcohol and drug peer support specialist** who is registered under KRS
27 **309.0831**~~[Chapter 309]~~;

- 1 ~~(2) [Permit a registered temporary alcohol and drug peer support specialist to provide~~
 2 ~~the same services and be reimbursed at the same rates as a registered alcohol and~~
 3 ~~drug peer support specialist;~~
- 4 ~~(3) Remove any limits on the maximum number of hours of direct client care that may~~
 5 ~~be provided by a registered alcohol and drug peer support specialist;~~
- 6 ~~(4)]Require that a [temporary certified alcohol and drug counselor under the clinical~~
 7 ~~supervision of a certified alcohol and drug counselor, a]licensed alcohol and drug~~
 8 ~~counselor[,] or a licensed clinical alcohol or drug counselor be a reimbursable~~
 9 ~~service provider in alcohol and other drug treatment entities and behavioral health~~
 10 ~~service organizations;]~~
- 11 ~~(5) Permit a licensed alcohol and drug counselor to provide the same services and be~~
 12 ~~reimbursed at the same rates as a licensed clinical alcohol and drug counselor in~~
 13 ~~licensed alcohol and other drug treatment entities and behavioral health service~~
 14 ~~organizations;]~~
- 15 (3)~~(6)~~ Permit the qualifications for a case manager for an individual with mental or
 16 substance use disorder to be a bachelor's degree or higher in any field of study and
 17 set forth training and supervision requirements to substitute for required work
 18 experience;
- 19 (4)~~(7)~~ Require that a community support associate approved by the Department for
 20 Behavioral Health, Developmental and Intellectual Disabilities to be a reimbursable
 21 service provider in licensed alcohol and other drug treatment entities and behavioral
 22 health service organizations; and
- 23 (5)~~(8)~~ Permit peer support specialists to provide services to groups of the same size
 24 as other licensed clinical professionals in a licensed alcohol and other drug
 25 treatment entities and behavioral health service organizations; **and**
- 26 **(6) Prohibit alcohol and drug peer support specialists employed by behavioral health**
 27 **service organizations, behavioral health multi-specialty groups, or entities that**

1 *bill for peer support services from providing psychoeducational services in*
 2 *individual or group settings.*

3 → Section 2. KRS 309.0805 is amended to read as follows:

- 4 (1) No person shall use the title "certified clinical supervisor," "licensed alcohol and
 5 drug counselor," "licensed clinical alcohol and drug counselor," "licensed clinical
 6 alcohol and drug counselor associate," "certified alcohol and drug counselor,"
 7 "associate alcohol and drug counselor II," "associate alcohol and drug counselor I,"
 8 ~~"temporary alcohol and drug peer support specialist,"~~ or "registered alcohol and
 9 drug peer support specialist," or hold himself or herself out as a "licensed clinical
 10 alcohol and drug counselor," "licensed clinical alcohol and drug counselor
 11 associate," "certified alcohol and drug counselor," ~~"temporary alcohol and drug
 12 peer support specialist,"~~ or "registered alcohol and drug peer support specialist"
 13 unless he or she is licensed, certified, or registered pursuant to KRS 309.080 to
 14 309.089.
- 15 (2) Nothing in KRS 309.080 to 309.089 shall apply to persons licensed, certified, or
 16 registered under any other provision of the Kentucky Revised Statutes, including
 17 but not limited to physicians, social workers, psychologists, marriage and family
 18 therapists, art therapists, nurses, or students in accredited training programs in those
 19 professions, and nothing in KRS 309.080 to 309.089 shall be construed to limit,
 20 interfere with, or restrict the practice, descriptions of services, or manner in which
 21 they hold themselves out to the public.
- 22 (3) Nothing in KRS 309.080 to 309.089 shall be construed to alter, amend, or interfere
 23 with the practice of those who render counseling services, including but not limited
 24 to employment counseling, job placement counseling, vocational rehabilitation
 25 counseling, pastoral counseling based on any tenet of one's religious beliefs, or
 26 school counseling.
- 27 (4) Nothing in KRS 309.080 to 309.089 shall apply to the activities and services of a

1 student intern or trainee who is pursuing a program of studies in alcohol and drug
 2 counseling at an accredited institution of higher education, if these activities are
 3 performed under the supervision or direction of an approved supervisor and the
 4 activities are part of the supervised program of studies.

5 → Section 3. KRS 309.0813 is amended to read as follows:

6 The board shall:

- 7 (1) Promulgate administrative regulations pursuant to KRS Chapter 13A for the
 8 administration and enforcement of KRS 309.080 to 309.089;
- 9 (2) Promulgate administrative regulations pursuant to KRS Chapter 13A establishing a
 10 code of ethics, standards of practice, and continuing education for certified clinical
 11 supervisors, licensed alcohol and drug counselors, licensed clinical alcohol and
 12 drug counselors, licensed clinical alcohol and drug counselor associates, certified
 13 alcohol and drug counselors, associate alcohol and drug counselors II, associate
 14 alcohol and drug counselors I, ~~temporary alcohol and drug peer support~~
 15 ~~specialists,~~ and registered alcohol and drug peer support specialists;
- 16 (3) Approve and disapprove, at least once every other month, those persons who shall
 17 be licensed, certified, or registered under KRS 309.080 to 309.089;
- 18 (4) Approve the examination required of applicants for licensure or certification as
 19 certified clinical supervisors, or as alcohol and drug counselors and applicants for
 20 registration as alcohol and drug peer support specialists, and promulgate
 21 administrative regulations pursuant to KRS Chapter 13A for the administration and
 22 grading of the examination;
- 23 (5) Promulgate administrative regulations pursuant to KRS Chapter 13A to define the
 24 process to register with the board as a certified clinical supervisor, licensed alcohol
 25 and drug counselor, registered alcohol and drug peer support specialist, certified
 26 alcohol and drug counselor, licensed clinical alcohol and drug counselor associate,
 27 or licensed clinical alcohol and drug counselor;

- 1 (6) Promulgate administrative regulations pursuant to KRS Chapter 13A establishing
2 grounds and procedures for denying, suspending, failing to reissue, or revoking a
3 license, certificate, or registration, and issuing reprimands and admonishments
4 pursuant to KRS 309.080 to 309.089;
- 5 (7) Hold a hearing pursuant to KRS Chapter 13B upon the request of an aggrieved
6 licensee, licensee associate, certificate holder, or registrant, or an applicant for a
7 license, certificate, or registration;
- 8 (8) Employ needed personnel and establish their duties and compensation;
- 9 (9) Maintain a register of certified clinical supervisors, licensed alcohol and drug
10 counselors, licensed clinical alcohol and drug counselors, licensed clinical alcohol
11 and drug counselor associates, certified alcohol and drug counselors, and registered
12 alcohol and drug peer support specialists;
- 13 (10) Keep a complete record of the board's proceedings;
- 14 (11) Investigate suspected or alleged violations of KRS 309.080 to 309.089 and the
15 administrative regulations promulgated pursuant to KRS 309.080 to 309.089;
- 16 (12) Promulgate administrative regulations pursuant to KRS Chapter 13A establishing
17 an initial licensure fee, certification fee, registration fee, and annual renewal fees
18 not to exceed three hundred dollars (\$300) each;
- 19 (13) Take legal action as necessary to restrain or enjoin violations of KRS 309.080 to
20 309.089 and the administrative regulations promulgated pursuant to KRS 309.080
21 to 309.089;
- 22 (14) Submit an annual report to the Governor and the Legislative Research Commission
23 by January 1 of each year, which lists all hearings conducted by the board and the
24 decisions rendered; and
- 25 (15) Collect and deposit all fees, fines, and other moneys owed to the board into the
26 State Treasury to the credit of the revolving fund established in KRS 309.082.

27 ➔SECTION 4. A NEW SECTION OF KRS CHAPTER 205 IS CREATED TO

1 READ AS FOLLOWS:

2 *Notwithstanding any provision of law to the contrary, the Kentucky Medicaid program,*
 3 *including the Department for Medicaid Services and any managed care organization*
 4 *with which the department contracts for the delivery of Medicaid services, shall not*
 5 *provide coverage for individual or group psychoeducational services.*

6 ➔Section 5. The following KRS section is repealed:

7 309.0836 Requirements for registration as a temporary alcohol and drug peer support
 8 specialist.

9 ➔Section 6. (1) The Peer Support Professionals Work Group is hereby
 10 established as an independent entity to develop statewide requirements for licensed peer
 11 support professionals and study the efficacy of establishing a board of peer support
 12 professionals.

13 (2) The work group shall select a chair from among the members, meet as
 14 necessary, and submit to the Legislative Research Commission for referral to the Interim
 15 Joint Committee on Health Services by November 1, 2026, agreed-upon
 16 recommendations on establishing a board of peer support professionals to develop
 17 statewide requirements for licensed peer support professionals.

18 (3) The members of the work group shall not be paid or reimbursed for travel or
 19 other expenses. The work group shall cease to exist after the recommendations are
 20 submitted in accordance with subsection (2) of this section, unless the Interim Joint
 21 Committee on Health Services directs the work group's continuance.

22 (4) The work group shall consist of members appointed:

23 (a) By the Department for Behavioral Health, Developmental and Intellectual
 24 Disabilities, Cabinet for Health and Family Services, to include:

- 25 1. One peer support professional with experience in mental health recovery;
- 26 2. One peer support professional with experience in youth peer support recovery;
- 27 3. One peer support professional with experience in family or community peer

1 support;

2 4. One peer support professional with experience in behavioral health peer
3 support;

4 5. Two multidisciplinary educators or trainers from an approved peer support
5 training program;

6 6. One recovery housing professional; and

7 7. One recovery community center professional;

8 (b) By the Department for Behavioral Health, Developmental and Intellectual
9 Disabilities, Cabinet for Health and Family Services, from a list of names submitted by
10 the Kentucky Board of Alcohol and Drug Counselors, to include:

11 1. One registered peer support professional who specialized in substance use
12 disorder recovery;

13 2. One employer of peer support professionals with experience in residential or
14 clinical treatment;

15 3. One employer of peer support professionals with experience in recovery
16 community centers;

17 4. One clinical supervisor who oversees peer support programs;

18 5. One behavioral health supervisor who oversees peer support programs; and

19 6. One member of the public who is a recipient of peer support services; and

20 (c) By the Department for Behavioral Health, Developmental and Intellectual
21 Disabilities, Cabinet for Health and Family Services, from a list of names submitted by
22 the Kentucky Division of Reentry Services, Department of Corrections, Justice and
23 Public Safety Cabinet, to include:

24 1. One certified peer support professional with experience in reentry from
25 incarceration; and

26 2. One representative from the Kentucky Division of Reentry Services.

27 ➔Section 7. Whereas there is an urgent need to protect the public health and

1 safety by establishing consistent standards and oversight for Kentucky's peer support
2 workforce, an emergency is declared to exist, and Sections 1, 2, 3, 5, and 6 of this Act
3 take effect upon their passage and approval by the Governor or upon their otherwise
4 becoming a law.