

**210.370 Service areas for regional community services programs -- Cities or counties may join in providing programs for mental health or individuals with an intellectual disability -- Operating as behavioral health services organization when outside regional service area -- Expansion of out-of-region services -- Assistance from other service areas -- Collaborative request -- Reimbursement for services outside area.**

- (1) The following fifteen (15) regional service areas for regional community services programs 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 any combination of cities or counties with less than fifty thousand (50,000) population, may establish a regional community services program 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.
- (3) Notwithstanding any provision of law to the contrary and except as provided for in subsections (4) and (5) of this section:
  - (a) A regional community services program may provide services outside of its regional service area as established in subsection (1) of this section, but when doing so, the regional community services program shall be considered, including by the cabinet, to be operating as a behavioral health services organization and not a regional community services program.
  - (b) A regional community services program shall not be required to obtain licensure or any other form of authorization from the cabinet to operate as a behavioral health services organization outside of its regional service area as established in subsection (1) of this section.
  - (c) When a regional community services program chooses to provide services as a behavioral health services organization outside of its regional service area as established in subsection (1) of this section, the regional community services program shall:
    1. Comply with all administrative regulations related to behavioral health services organizations promulgated by the cabinet; and
    2. Be reimbursed by the Department for Medicaid Services or a managed care organization with whom the department has contracted for the delivery of Medicaid services in accordance with KRS 205.560(8)(b).
- (4)
  - (a) For any services being provided by a regional community services program outside of its regional service area as established in subsection (1) of this section prior to June 29, 2023, the provisions of subsection (3) of this section apply on or after January 1, 2025.
  - (b) Beginning on June 29, 2023, the provisions of this subsection shall apply to any expansion of current out-of-region services, including the provision of additional services in an out-of-region county in which the regional community services program is providing services on June 29, 2023, and any expansion of services into an out-of-region county in which the regional community services program is not providing services on June 29, 2023.
- (5)
  - (a) If a regional community services program notifies the secretary in writing that the regional community services program is unable to provide a service that is included in its respective plan and budget for the current fiscal year:
    1. The secretary shall contact the regional community services programs in the regional service areas contiguous to the region that has notified the

secretary to assess their interest in and ability to provide the service that the regional community service program indicated it is unable to provide. If a regional community services program in a contiguous regional service area 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 regional community services program that made notice to the secretary; and

2. If a regional community services program in a contiguous region is not interested in or is unable to provide the service, the secretary shall contact all other regional community services programs to assess their interest in and ability to provide the service that the regional community services program indicated it is unable to provide. If another regional community services program in a noncontiguous regional service area 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 regional community services program that made notice to the secretary.
- (b) If the secretary receives joint notification from a regional community services program assigned to serve a specific county pursuant to subsection (1) of this section and a regional community services program whose region as established in subsection (1) of this section is contiguous to the region in which the county lies requesting that the regional community services program from the contiguous region be permitted to continue to provide an array of services that it was providing in the county in question on June 29, 2023, the secretary shall approve and recognize the collaborative request.
- (c) If a regional community services program is approved by the secretary pursuant to this subsection to provide services outside of its regional service area as established in subsection (1) of this section, the regional community services program shall be considered, including by the cabinet, to be operating as a regional community services program and shall be reimbursed by the Department for Medicaid Services or a managed care organization with whom the department has contracted for the delivery of Medicaid services accordingly.

**Effective:** June 29, 2023

**History:** Amended 2023 Ky. Acts ch. 184, sec. 2, effective June 29, 2023. -- Amended 2012 Ky. Acts ch. 146, sec. 76, effective July 12, 2012. -- Amended 2005 Ky. Acts ch. 99, sec. 327, effective June 20, 2005. -- Amended 1998 Ky. Acts ch. 426, sec. 271, effective July 15, 1998. -- Amended 1978 Ky. Acts ch. 396, sec. 1, effective June 17, 1978. -- Amended 1974 Ky. Acts ch. 74, Art. VI, sec. 107(1) and (8). -- Amended 1968 Ky. Acts ch. 90, sec. 64(3). -- Created 1964 Ky. Acts ch. 79, sec. 2.

**Formerly codified as** KRS 203.410.