

222.423 Transportation of residents who leave substance use disorder program or recovery residence -- Procedures -- Exemption.

- (1) Except where prohibited by federal law, any substance use disorder program that is authorized or regulated under this chapter or holds a chemical dependency treatment services license under KRS 222.231 that was issued in accordance with KRS 216B.042, or a recovery residence as defined in KRS 222.500, shall, for any resident who wishes to leave the treatment program, either:
 - (a) Obtain agreement from the resident's family member, guardian, or emergency contact to personally transport the resident within twenty-four (24) hours; or
 - (b) Make available transportation services.
- (2) Transportation services may include providing the resident access to:
 - (a) A ride-sharing service and purchasing a one (1) way service to:
 1. A specific address in the resident's hometown of record; or
 2. The city hall in the resident's hometown of record;
 - (b) Public transportation, including but not limited to transporting the resident to the nearest commercial bus station and purchasing a ticket to the resident's hometown of record; or
 - (c) Other transportation to a safe place as determined by the facility to be therapeutically appropriate.
- (3) The facilities described in subsection (1) of this section and law enforcement officers shall only transport residents leaving the facility to public transportation locations, the location to meet the driver of a ride-sharing service, or other safe place as determined by the facility to be therapeutically appropriate.
- (4)
 - (a) If a resident required by court order to attend a treatment facility described in subsection (1) of this section leaves the facility prior to court approval or prior to completing the conditions of the court order, the treatment facility shall notify the court, Commonwealth's or county attorney, local law enforcement, and emergency contact or court-designated individual of the resident's exit if permitted by:
 1. The Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191;
 2. 42 C.F.R. pt. 2; and
 3. Other applicable state and federal patient privacy laws.
 - (b) A probation officer or peace officer, acting on information provided by a treatment facility under paragraph (a) of this subsection, who observes the resident violate the terms of his or her probation, conditional discharge, or release, or violate the terms of any court order may arrest the resident without a warrant and incarcerate the resident until the judge who made the initial court order holds a hearing on the resident's violation of that court order.
- (5) Any substance use disorder program that is authorized or regulated under this chapter or that holds a chemical dependency treatment services license under KRS 222.231 that was issued in accordance with KRS 216B.042, or a recovery residence as defined in KRS 222.500, shall provide full disclosure of the specific services

provided by the substance use disorder program to any potential patients and in any advertisements or other solicitations.

- (6) A facility that does not hold a chemical dependency treatment services license under KRS 222.231 that was issued in accordance with KRS 216B.042, is not a substance use disorder program that is authorized or regulated under this chapter, and is not a recovery residence as defined in KRS 222.500 shall be exempt from this section.

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