

**222.427 Definitions -- Cabinet to publish list of qualified treatment programs in state -- Prioritization in criminal cases -- Administrative regulations.**

- (1) As used in this section:
  - (a) "Department" means the Department of Public Advocacy;
  - (b) "Qualified treatment program" means a treatment program that shall:
    1. Meet, at a minimum, one (1) the following requirements:
      - a. Meet licensure requirements and standards established by the Cabinet for Health and Family Services under KRS Chapter 222;
      - b. Be certified by a state affiliate of the National Alliance of Recovery Residences as a level III or IV Recovery Residence;
      - c. Be designated by the Kentucky Housing Corporation as a Recovery Kentucky Center;
      - d. Meet alternative and relevant licensure or certification criteria recognized by the cabinet or a federal agency; or
      - e. Be accredited by at least one (1) of the following:
        - i. American Society of Addiction Medicine (ASAM);
        - ii. Joint Commission on Accreditation of Healthcare Organizations;
        - iii. Commission on Accreditation of Rehabilitation Facilities (CARF);
        - iv. The Council on Accreditation; or
        - v. Other accreditations, certifications, or standards recognized by the Cabinet for Health and Family Services;
    2. If providing medical or clinical behavioral health services, be enrolled as a Medicaid-approved provider or enrolled with a private insurer and be eligible to bill and receive reimbursement for behavioral health services;
    3. Have at least two (2) years of experience as an agency administering evidence-based substance use disorder treatment services and recovery support services; and
    4. Provide or have a protocol to refer clients to agencies or prescribers that provide medications for opioid use disorder, including but not limited to methadone, buprenorphine, or naltrexone; and
  - (c) "Treatment program" means any substance use program licensed, regulated, or defined in KRS Chapter 222 and a substance use disorder program that holds a chemical dependency treatment services license under KRS 222.231 that was issued in accordance with KRS 216B.042.
- (2) The cabinet shall publish a list on the cabinet's website of all qualified treatment programs in the state and shall provide the list to the department and to the Administrative Office of the Courts.
- (3) Any employee of the Commonwealth who makes a recommendation to a court in a criminal case for an alternative sentence that includes services to address an

individual's substance use disorder shall be required to prioritize referrals to a qualified treatment program by the cabinet. If the employee recommends probation, conditional discharge, or an alternative sentence that includes services that are to be provided by a facility or provider that is not a qualified treatment program, the employee shall inform the court in writing or on the record of the alternative sentencing plan and the reason for not including services provided by a qualified treatment program.

- (4) By January 1, 2025, the cabinet shall promulgate regulations in accordance with KRS Chapter 13A to require a treatment program or a premise, place, or building that holds itself out as a treatment program for recovery from the use of intoxicating substances to clearly and conspicuously provide full disclosure of the specific services provided by the treatment program to any potential residents and in any advertisements or other solicitations. The disclosure shall clearly and conspicuously include the level of care provided by the treatment program regarding the following:
- (a) Provision of room and board;
  - (b) Level of medical services;
  - (c) Level of clinical services;
  - (d) Staffing; and
  - (e) Accreditation.

**Effective:** July 15, 2024

**History:** Created 2024 Ky. Acts ch. 68, sec. 3, effective July 15, 2024.