

533.272 Behavioral health conditional dismissal pilot program -- Elements -- Reporting requirements.

- (1) A pilot program shall be established in no more than twenty (20) counties selected by the Chief Justice of the Supreme Court to participate in a behavioral health conditional dismissal program. The pilot program shall begin January 1, 2023, and shall continue until January 1, 2031, unless extended or limited by the General Assembly.
- (2) Each participating county shall have access to:
 - (a) Medication-assisted treatment;
 - (b) Recovery services as defined under KRS 533.270; and
 - (c) Educational and vocational resources sufficient to provide the training and assistance required under KRS 533.286.
- (3)
 - (a) Every behavioral health treatment program provider in the pilot program shall collect and maintain data as provided in this subsection relating to program participants under their care, designed to inform the outcomes and effectiveness of the pilot program, to be submitted to the Administrative Office of the Courts as provided under paragraphs (b) to (e) of this subsection.
 - (b) A report shall be made for each program participant no later than fourteen (14) days following the initiation of treatment. The data to be collected and submitted in the report shall include the following information regarding each participant:
 1. Age, gender, and race or ethnicity;
 2. Housing history;
 3. Educational history;
 4. Employment history;
 5. Past involvement in addiction recovery and treatment for a substance use disorder;
 6. Past treatment for a mental health disorder; and
 7. Criminal history.
 - (c) A second report shall be made for each program participant identified in paragraph (b) of this subsection no later than twenty-eight (28) days after filing the initial report and shall provide the progression of the program participant, including but not limited to:
 1. Continuation in the program;
 2. The status and type of recommended treatment;
 3. Employment or job training;
 4. The status and type of educational training;
 5. Housing status;
 6. Any other information the program provider determines may assist in evaluation of the pilot program; and
 7. If the participant has been discharged from the program due to an

inability or unwillingness to meet the terms and conditions of the treatment program, including the specific reason for the discharge.

- (d) Subsequent reports shall be filed on a quarterly basis. The initial quarterly report shall be submitted no later than April 15, 2023, with reports due thereafter on January 15, April 15, July 15, and October 15 of each year of the pilot program. The quarterly reports shall include for the reporting period:
 - 1. The information required under paragraph (c) of this subsection as it relates to each program participant, including the length of time the individual has been a program participant;
 - 2. The number of clinical assessments performed by the program provider;
 - 3. The total number of individuals participating in the behavioral health conditional dismissal program with that provider;
 - 4. The number of individuals who remain in compliance with the terms and conditions of the treatment program;
 - 5. The number of individuals who have been discharged from the program due to an inability or unwillingness to meet the terms and conditions of the treatment program, including the specific reason for the discharge;
 - 6. For any individual discharged under subparagraph 5. of this paragraph, the length of time the individual participated in the program;
 - 7. The number of individuals who have been discharged from the program upon successful completion of the treatment program requirements;
 - 8. The number of individuals who have received medication-assisted treatment and the result of that treatment;
 - 9. The number of individuals who have completed a recommended job skills or job training program; and
 - 10. The number of individuals who have completed a recommended educational component of the program.
- (e) A final report shall be filed for each program participant no later than thirty (30) days following discharge from the program and shall contain, at a minimum, the following information:
 - 1. If the discharge from the program was due to an inability or unwillingness to meet the terms and conditions of the treatment program the:
 - a. Specific reason for the discharge;
 - b. Length of time the individual participated in the program;
 - c. Goals met during the participation period;
 - d. Identified barriers to completion of the program, if known; and
 - e. Recommended adjustments to the behavioral health conditional dismissal program that could provide a greater probability of successful completion to similar participants; and
 - 2. If the discharge from the program occurred upon successful completion of the program requirements:

- a. The length of time the individual participated in the program;
 - b. A summary of the specific programs completed and goals attained by the participant;
 - c. What continued treatment, if any, is recommended; and
 - d. Recommended adjustments to the behavioral health conditional dismissal program that could provide greater benefit to similar participants.
- (4) The attorneys for the Commonwealth participating in the pilot program shall submit quarterly reports to the Administrative Office of the Courts. The initial quarterly report shall be submitted no later than April 15, 2023, with reports due thereafter on January 15, April 15, July 15, and October 15 of each year of the pilot program. The quarterly reports shall include for the reporting period:
 - (a) The number of eligible defendants, including the defendant's race, ethnicity, and gender, who were offered participation in the behavioral health conditional dismissal program but declined to participate;
 - (b) The number of eligible defendants, including the defendant's race, ethnicity, and gender, who sought to participate in the program but whose participation was not agreed to by the attorney for the Commonwealth;
 - (c) The number of victims, if there is an identified victim, who did not participate in the process; and
 - (d) The number of victims, if there is an identified victim, who did not agree to the defendant's participation in the program.
- (5) If the attorney for the Commonwealth did not agree to an eligible defendant's participation in the behavioral health conditional dismissal program, he or she shall include in each quarterly report to the Administrative Office of the Courts the specific offenses charged for that defendant, and the substantial and compelling reasons, based upon delineated facts specific to the defendant, why the defendant was denied participation in the program.
- (6) The Chief Justice of the Supreme Court shall submit an annual report to the Legislative Research Commission, the chair of the Senate Standing Committee on Judiciary, the chair of the House Standing Committee on Judiciary, and the Governor by January 31 of each year that includes the information received from the attorneys for the Commonwealth and the providers for the counties participating in the behavioral health conditional dismissal program. The report shall include the information reported under subsections (3) to (5) of this section and shall also include:
 - (a) The number of defendants assessed who did not meet the eligibility requirements for the program following the clinical assessment;
 - (b) The specific offenses charged for each defendant and the classification of offenses charged;
 - (c) The percentage of defendants participating in the program who successfully completed the program;
 - (d) The percentage of defendants discharged from the program for

noncompliance; and

(e) The percentage of defendants who are arrested, convicted, and incarcerated within:

1. Six (6) months;
2. One (1) year;
3. Two (2) years;
4. Three (3) years;
5. Four (4) years; and
6. Five (5) years;

of successful completion of the program.

- (7) (a) The annual report required in subsection (6) of this section shall also include the information required under subsection (6)(e) of this section for defendants arrested, convicted, and incarcerated of a qualifying offense as defined in KRS 533.270 in counties not participating in the program.
- (b) The information required under paragraph (a) of this subsection shall be obtained for defendants in counties of similar population and geographical location to a county participating in the program.

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