

## **202A.011 Definitions for chapter.**

As used in this chapter, unless the context otherwise requires:

- (1) "Authorized staff physician" means a physician who is a bona fide member of the hospital's medical staff;
- (2) "Benefit from treatment" means the desired outcomes of treatment in a psychiatric hospital for an individual with a mental illness, including but not limited to:
  - (a) Symptom management and increased stability;
  - (b) A lessening of irrational thoughts and behaviors;
  - (c) Reduced risk of harm; or
  - (d) Acquisition of skills for self-care and for interacting and living in the community;
- (3) "Cabinet" means the Cabinet for Health and Family Services;
- (4) "Contract mental health evaluator" means a qualified mental health professional who is employed by or under contract with a community mental health center, crisis stabilization unit, mental institution, or any other facility designated by the secretary to provide mental health evaluations to determine whether an individual meets the criteria for involuntary hospitalization;
- (5) "Danger" or "threat of danger to self, family, or others" means, as a result of mental illness, a person:
  - (a) Presents a substantial risk of serious physical harm to self, family, or others as evidenced by recent behavior, threats, or conduct demonstrating such risk;
  - (b) Has attempted or threatened suicide or has expressed suicidal ideations and there is a reasonable probability of serious self-harm unless prompt and adequate treatment is provided;
  - (c) Is unable without supervision or assistance to provide for basic personal needs, including provision for reasonable shelter, food, clothing, or medical care, so that there exists a substantial likelihood of death, serious physical injury, or serious physical debilitation. For purposes of this paragraph, a person shall be deemed unable to provide for basic personal needs even if a guardian, family member, or friend is willing and able to provide assistance; or
  - (d) Is experiencing psychiatric deterioration, demonstrated by a substantial decline in functioning from the person's baseline, such that the person's judgment, insight, or ability to recognize the need for treatment is impaired, and without intervention, the person's condition will predictably result in:
    1. A substantial risk of serious physical harm to self, family, or others;
    2. Serious physical debilitation or self-neglect; or
    3. Further loss of ability to engage in safe or necessary self-care or to voluntarily seek needed treatment;
- (6) "Forensic psychiatric facility" means a mental institution or facility, or part thereof, designated by the secretary for the purpose and function of providing inpatient evaluation, care, and treatment for individuals with an intellectual disability or

mental illness, who have been charged with or convicted of a felony;

- (7) "Hospital" means:
  - (a) A state mental hospital or institution or other licensed public or private hospital, institution, health-care facility, or part thereof, approved by the cabinet as equipped to provide full-time residential care and treatment for individuals with an intellectual disability or mental illness; or
  - (b) A hospital, institution, or health-care facility of the government of the United States equipped to provide residential care and treatment for individuals with an intellectual disability or mental illness;
- (8) "Individual with a mental illness" means a person with substantially impaired capacity to use self-control, judgment, or discretion in the conduct of the person's affairs and social relations, associated with maladaptive behavior or recognized emotional symptoms where impaired capacity, maladaptive behavior, or emotional symptoms can be related to physiological, psychological, or social factors;
- (9) "Judge" means any judge or justice of the Court of Justice or a trial commissioner of the District Court acting under authority of SCR 5.030;
- (10) "Least restrictive alternative mode of treatment" means that treatment which will give an individual with a mental illness a realistic opportunity to improve the individual's level of functioning, consistent with accepted professional practice in the least confining setting available;
- (11) "Patient" means a person under observation, care, or treatment in a hospital pursuant to the provisions of this chapter;
- (12) "Petitioner" means a person who institutes a proceeding under this chapter;
- (13) "Psychiatric facility" means a crisis stabilization unit or any facility licensed by the cabinet and which provides inpatient, outpatient, psychosocial rehabilitation, emergency, and consultation and education services for the diagnosis and treatment of persons who have a mental illness;
- (14) "Qualified mental health professional" means:
  - (a) A physician licensed under the laws of Kentucky to practice medicine or osteopathy, or a medical officer of the government of the United States while engaged in the performance of official duties;
  - (b) A psychiatrist licensed under the laws of Kentucky to practice medicine or osteopathy, or a medical officer of the government of the United States while engaged in the practice of official duties, who is certified or eligible to apply for certification by the American Board of Psychiatry and Neurology, Inc.;
  - (c) A psychologist with the health service provider designation, a psychological practitioner, a certified psychologist, or a psychological associate, licensed under the provisions of KRS Chapter 319;
  - (d) A licensed registered nurse with a master's degree in psychiatric nursing from an accredited institution and two (2) years of clinical experience with individuals with a mental illness, or a licensed registered nurse, with a bachelor's degree in nursing from an accredited institution, who is certified as a psychiatric and mental health nurse by the American Nurses Association

and who has three (3) years of inpatient or outpatient clinical experience in psychiatric nursing and is currently employed by a hospital or forensic psychiatric facility licensed by the Commonwealth or a psychiatric unit of a general hospital or a private agency or company engaged in the provision of mental health services or a regional community program for mental health and individuals with an intellectual disability;

- (e) A licensed clinical social worker licensed under the provisions of KRS 335.100, or a certified social worker licensed under the provisions of KRS 335.080 with three (3) years of inpatient or outpatient clinical experience in psychiatric social work and currently employed by a hospital or forensic psychiatric facility licensed by the Commonwealth or a psychiatric unit of a general hospital or a private agency or company engaged in the provision of mental health services or a regional community program for mental health and individuals with an intellectual disability;
- (f) A marriage and family therapist licensed under the provisions of KRS 335.300 to 335.399 with three (3) years of inpatient or outpatient clinical experience in psychiatric mental health practice and currently employed by a hospital or forensic facility licensed by the Commonwealth, a psychiatric unit of a general hospital, a private agency or company engaged in providing mental health services, or a regional community program for mental health and individuals with an intellectual disability;
- (g) A professional counselor credentialed under the provisions of KRS Chapter 335.500 to 335.599 with three (3) years of inpatient or outpatient clinical experience in psychiatric mental health practice and currently employed by a hospital or forensic facility licensed by the Commonwealth, a psychiatric unit of a general hospital, a private agency or company engaged in providing mental health services, or a regional community program for mental health and individuals with an intellectual disability; or
- (h) A physician assistant licensed under KRS 311.840 to 311.862, who meets one (1) of the following requirements:
  - 1. Provides documentation that he or she has completed a psychiatric residency program for physician assistants;
  - 2. Has completed at least one thousand (1,000) hours of clinical experience under a supervising physician, as defined by KRS 311.840, who is a psychiatrist and is certified or eligible for certification by the American Board of Psychiatry and Neurology, Inc.;
  - 3. Holds a master's degree from a physician assistant program accredited by the Accreditation Review Commission on Education for the Physician Assistant or its predecessor or successor agencies, is practicing under a supervising physician as defined by KRS 311.840, and:
    - a. Has two (2) years of clinical experience in the assessment, evaluation, and treatment of mental disorders; or
    - b. Has been employed by a hospital or forensic psychiatric facility licensed by the Commonwealth or a psychiatric unit of a general

hospital or a private agency or company engaged in the provision of mental health services or a regional community program for mental health and individuals with an intellectual disability for at least two (2) years; or

4. Holds a bachelor's degree, possesses a current physician assistant certificate issued by the board prior to July 15, 2002, is practicing under a supervising physician as defined by KRS 311.840, and:
  - a. Has three (3) years of clinical experience in the assessment, evaluation, and treatment of mental disorders; or
  - b. Has been employed by a hospital or forensic psychiatric facility licensed by the Commonwealth or a psychiatric unit of a general hospital or a private agency or company engaged in the provision of mental health services or a regional community program for mental health and individuals with an intellectual disability for at least three (3) years;
- (15) "Residence" means legal residence as determined by applicable principles governing conflicts of law;
- (16) "Respondent" means a person alleged in a hearing under this chapter to be an individual with an intellectual disability or mental illness;
- (17) "Secretary" means the secretary of the Cabinet for Health and Family Services; and
- (18) "Serious mental illness":
  - (a) Means a diagnosable mental, behavioral, or emotional disorder that causes significant functional impairment that substantially interferes with or limits major life activities, including but not limited to:
    1. Severe cognitive difficulties, including disorganized thinking, delusions, hallucinations, or memory impairment; or
    2. Extreme mood fluctuations, apathy, or lack of motivation; and
  - (b) Includes but is not limited to the following disorders:
    1. Schizophrenia spectrum and other psychotic disorders;
    2. Bipolar and related disorders; and
    3. Major depressive disorders that require treatment.

**Effective:** October 1, 2026

**History:** Amended 2026 Ky. Acts ch. 92, sec. 8, effective October 1, 2026. -- Amended 2024 Ky. Acts ch. 68, sec. 8, effective July 15, 2024. -- Amended 2018 Ky. Acts ch. 165, sec. 1, effective July 14, 2018. -- Amended 2012 Ky. Acts ch. 146, sec. 32, effective July 12, 2012. -- Amended 2005 Ky. Acts ch. 99, sec. 212, effective June 20, 2005. -- Amended 2002 Ky. Acts ch. 99, sec. 1, effective March 28, 2002. -- Amended 1998 Ky. Acts ch. 426, sec. 177, effective July 15, 1998. -- Amended 1996 Ky. Acts ch. 369, sec. 19, effective July 15, 1996. -- Amended 1994 Ky. Acts ch. 498, sec. 1, effective July 15, 1994. -- Amended 1988 Ky. Acts ch. 139, sec. 1, effective July 15, 1988. -- Created 1982 Ky. Acts ch. 445, sec. 1, effective July 1, 1982.

**Legislative Research Commission Note (7/15/2024).** Under the authority of KRS 7.136, the reviser of statutes has changed the internal numbering of this statute to place the definitions in alphabetical order. The words in the statute were not changed.

**Legislative Research Commission Note (7/12/2012).** In subsection (6)(a) of this statute, the reviser of statutes has reinserted the word "persons," which was erroneously deleted in drafting, to correct a manifest clerical or typographical error under the authority of KRS 7.136(1).

**Legislative Research Commission Note.** This section was enacted in 1982 Acts, Chapter 445, which contains the following language in Section 45 of that Act: "This Act shall become effective on July 1, 1982." The Ky. Constitution, in Section 55, requires that a reason be set forth for the emergency. However, no reason is set forth in this Act. The effective date for 1982 Acts with no emergency provision is July 15, 1982.