

Compiler's note: A nonsubstantive change was made by the Compiler pursuant to KRS 13A.040(9).

**Technical Amendment
April 2, 2021**

201 KAR 20:163. Standards for approved evaluators.

RELATES TO: KRS 314.085

STATUTORY AUTHORITY: KRS 314.131

NECESSITY, FUNCTION, AND CONFORMITY: KRS 314.085 authorizes the board to designate evaluators to perform chemical dependency or mental health evaluations. This administrative regulation establishes the standards that evaluators must meet to be approved by the board to conduct its required evaluations.

Section 1. Approved Evaluators for Chemical Dependency or Mental Health Evaluations. (1) The board shall maintain a list of evaluators who are approved to perform chemical dependency or mental health evaluations ordered pursuant to KRS 314.085.

(2)(a) To be placed on this list, an evaluator shall submit evidence to the board that the person is able to comply with the standards set out in this administrative regulation.

(b) The evaluator shall submit:

1. A curriculum vitae;
2. A copy of a current credential; and
3. The current address and telephone number of the evaluator's practice.

(3) The board shall issue a letter of approval to an evaluator who complies with subsection (2) of this section.

Section 2. Individual Evaluator Standards. (1) An evaluator shall have documented training and experience in the specialty area of chemical dependency or mental health.

(2) An evaluator shall be licensed or certified as one of the following:

- (a) Psychiatrist;
- (b) Physician addictionologist;
- (c) Psychologist;
- (d) Advanced practice registered nurse;
- (e) Certified alcohol and drug counselor;
- (f) Certified chemical dependency evaluator;
- (g) Social worker;
- (h) Employee assistance program specialist; or
- (i) Marriage and family therapist.

(3) An evaluator whose license or certification is not listed in subsection (2) of this section may request approval and be accepted if the evaluator can show evidence that his or her license or certification includes training in chemical dependency or mental health.

(4) An evaluator shall maintain resources for referral for treatment if the evaluator does not provide treatment services.

(5) An evaluator shall disclose fees for services prior to performing the evaluation.

(6) An approved evaluator shall update his or her evidence of compliance with these standards at least every two (2) years.

(7) An evaluator may voluntarily request removal from the list by submitting a written notice to the board.

Section 3. Evaluation Standards. [(4)] An evaluation shall include the following components:

- (1)[(a)] Social history;
- (2)[(b)] Status of chemical dependency, if it is a chemical dependency evaluation;
- (3)[(c)] Psychological status;
- (4)[(d)] Results of any testing performed;
- (5)[(e)] Evaluation and effectiveness of any prior treatment;
- (6)[(f)] Recommendations regarding the need for any further treatment or further evaluations;
- (7)[(g)] Assessment of the nurse's ability to function safely;
- (8)[(h)] Any parameters under which the nurse can practice nursing, if applicable;
- (9)[(i)] Recommendations for any work restrictions or monitoring reports; and
- (10)[(j)] Any other relevant information.

Section 4. Removal of Approval. The board may withdraw its letter of approval to an evaluator who:

- (1) Fails to comply with Section 2(2) through (6) of this administrative regulation;
- (2) Has disciplinary action taken against his or her license or credential;
- (3) Has been convicted of a misdemeanor or felony;
- (4) Fails to provide an evaluation in conformity with Section 3 of this administrative regulation; or
- (5) Fails to provide for the confidentiality of patient information. (33 Ky.R. 2830; eff. 5-4-2007; 36 Ky.R. 1302; 1905; eff. 3-5-2010; TAm eff. 7-15-2010; Crt eff. 5-10-2019; TAm eff. 4-2-2021.)