

**908 KAR 1:320. Confidential record of treatment for federally-assisted alcohol and other drug abuse programs.**

RELATES TO: KRS 222.271, 42 C.F.R. Parts 2, 2.11, 2.12

STATUTORY AUTHORITY: KRS 194.050, 222.271, 42 C.F.R. Parts 2, 2.11, 2.12, EO 2004-726

NECESSITY, FUNCTION, AND CONFORMITY: EO 2004-726, effective July 9, 2004, reorganized the Cabinet for Health Services and Family and placed the Department for Behavioral Health, Developmental and Intellectual Disabilities within the cabinet. KRS 222.271 mandates the cabinet to establish standards to ensure the confidentiality of alcohol and other drug abuse client records. This administrative regulation establishes confidentiality standards for federally-assisted programs.

Section 1. Definitions.

(1) "AOD agency" means an alcohol or other drug abuse agency licensed pursuant to KRS 222.231.

(2) "Federally-assisted" is defined at 42 CFR Part 2, confidentiality of alcohol and drug abuse patient records, (October 1, 1994 edition).

Section 2. Applicability. An AOD agency, which is federally-assisted, shall maintain a confidential record of treatment for all clients pursuant to 42 CFR Part 2, confidentiality of alcohol and drug abuse patient records (October 1, 1994 edition), as amended at 60 Federal Register 22,296-22,297 (1995).

Section 3. Material Incorporated by Reference.

(1) 42 CFR Part 2, Confidentiality of alcohol and drug abuse patient records, (October 1, 1994 edition), 42 CFR Part 2, 2.11 and 2.12, as amended at 60 Federal Register 22,296-22,297 (1995) are hereby incorporated by reference.

(2) Copies of the incorporated material may be inspected, copied or obtained at the Department for Behavioral Health, Developmental and Intellectual Disabilities Services, 275 East Main Street, Fourth Floor, Frankfort, Kentucky 40621, 8 a.m. through 4:30 p.m., Monday through Friday.

(22 Ky.R. 831; Am. 1086; eff. 11-15-95, TAm eff. 4-27-2016; Crt eff. 12-18-2019.)