

908 KAR 2:065. Community transition for individuals with serious mental illness.

RELATES TO: KRS 205.245, 216.765(2), 216B.303, 216B.305

STATUTORY AUTHORITY: KRS 194A.030, 194A.050, 210.450

NECESSITY, FUNCTION, AND CONFORMITY: KRS 194A.050(1) requires the secretary of the Cabinet for Health and Family Services to promulgate administrative regulations necessary to protect the health of Kentucky citizens and to implement programs mandated by federal law or to qualify for the receipt of federal funds. KRS 210.450 requires the secretary to promulgate administrative regulations governing qualifications of personnel and standards for personnel management for community programs for behavioral health or individuals with an intellectual disability. This administrative regulation establishes housing assistance guidelines and the range of community transition services to be made available to qualified individuals diagnosed with serious mental illness residing in, or at risk of residing in, personal care homes.

Section 1. Definitions.

(1) "Assertive community treatment" or "ACT" means an evidence-based practice model designed to provide treatment, rehabilitation, and support services, using a multidisciplinary approach, to individuals who are diagnosed with a serious mental illness. These services shall be provided in accordance with 907 KAR 15:020, Section 3(2)(j).

(2) "Case management" means those services provided pursuant to 907 KAR Chapter 15 by a targeted case manager eligible and trained to provide those services pursuant to 908 KAR 2:260.

(3) "Community integration supplementation" or "CIS" means supplementation as set forth in 921 KAR 2:015, Section 6.

(4) "Crisis services" means services that are timely and accessible and provide supports to those individuals experiencing a behavioral health crisis as provided in 907 KAR Chapter 15. The services may include mobile crisis teams, residential crisis services, and twenty-four (24) hours per day/seven (7) days per week crisis telephone lines. The services shall be offered in the least restrictive setting possible.

(5) "Housing assistance" means assistance in gaining access to housing in the community in accordance with Section 3(1) of this administrative regulation. Housing in the community does not include a personal care home, group home, nursing facility, boarding home, assisted living residence, supervised living setting, or any setting required to be licensed.

(6) "Peer support services" means the social and emotional support that is provided by persons having a mental health, substance use, or co-occurring disorder to others with a similar disorder, in order to bring about a desired social or personal change as provided in 907 KAR Chapter 15.

(7) "Person centered recovery plan" means a treatment and recovery plan created for adults with SMI, which is developed with the individual, the designated clinician, and any other parties designated by the individual. This plan shall build upon identified strengths, wants, and needs of each individual.

(8) "Personal care home" or "PCH" means a facility licensed as a personal care home and regulated by 902 KAR 20:031 and 902 KAR 20:036.

(9) "Provider" means a community mental health center (CMHC), its affiliate provider organizations, and any individual or organization qualified to provide behavioral health service, including behavioral health services organizations (BHSO).

(10) "Serious mental illness" or "SMI" means a mental illness or disorder (but not a primary diagnosis of Alzheimer's disease or dementia), that is described in the Diagnostic and Statistical Manual of Mental Disorders (DSM), 5th Edition, or the DSM currently in

use, that impairs or impedes functioning in one (1) or more major areas of living and is unlikely to improve without treatment, services, or supports.

(11) "Supported employment services" means services that will assist individuals in preparing for, identifying, and maintaining integrated, paid, competitive employment. Services may include job coaching, transportation, assistive technology, specialized job training, person centered employment plans, job development, and individually-tailored supports.

(12) "Tenancy rights" means rights created by a landlord/tenant relationship whether through a direct lease or sublease in which the individual is identified as the tenant.

Section 2. Eligibility. An adult with a serious mental illness shall be considered eligible for housing assistance and supported employment services in addition to other services found to be medically necessary under this administrative regulation if the individual:

- (1) Has expressed a desire to live in permanent housing with tenancy rights;
- (2) Is eligible for Medicaid services;
- (3) Is at least eighteen (18) years of age;
- (4) Is living in or at risk of living in a personal care home; and
- (5) Is categorically eligible for community integration supplementation pursuant to 921 KAR 2:015, Section 6.

Section 3. Services.

(1) Housing assistance under this administrative regulation shall:

- (a) Allow choice in activities of daily living, social interaction, and access to the community; and
- (b) Be offered to enable individuals to attain and maintain integrated, affordable housing that:

1. Is scattered site housing, where no more than twenty-five (25) percent of the units in any development are occupied by individuals with a disability, as defined by the Americans with Disabilities Act, actually known to the cabinet; and
2. Does not limit access to community activities.

(2) Supportive services in accordance with a person centered recovery plan developed pursuant to Section 4 of this administrative regulation may include:

- (a) ACT;
- (b) Case Management;
- (c) Covered services as set forth in 907 KAR 3:130;
- (d) Crisis services;
- (e) Peer support services; or
- (f) Supported employment services.

Section 4. Transition Process. An individual shall:

- (1) Be evaluated by a qualified mental health provider to determine eligibility for and the clinical appropriateness of the transition;
- (2) Receive information about available services under this administrative regulation including CIS eligibility pursuant to 921 KAR 2:015, Section 6;
- (3) Work with a team to develop a person centered recovery plan that shall include all necessary services, objectives, plans, and interventions; and
- (4) Be offered assistance in developing an advance directive for mental health treatment and wellness and crisis plans.

Section 5. Appeal Rights. An individual may appeal a department decision pursuant to this administrative regulation in accordance with 907 KAR 1:563.

(42 Ky.R. 2309, 2608, 2794; eff. 6-3-2016; Cert. eff. 4-21-2023.)