

## **908 KAR 3:040. Transfer of patients to other facilities.**

RELATES TO: KRS Chapters 202A, 202B

STATUTORY AUTHORITY: KRS 194.050, 202A.191, 202B.060, EO 2004-726

NECESSITY, FUNCTION, AND CONFORMITY: EO 2004-726, effective July 9, 2004, created the Cabinet for Health and Family Services and placed the Department for Behavioral Health, Developmental and Intellectual Disabilities within the cabinet. KRS Chapters 202A and 202B, relating to the hospitalization of an individual with mental illness, developmental, or intellectual disabilities, direct that the Secretary of the Cabinet for Health and Family Services shall adopt rules and administrative regulations relating to the transfer of mental patients. The function of this administrative regulation is to prescribe the standards to be used in determining whether a patient should be transferred to another hospital, forensic psychiatric facility or residential treatment center.

Section 1. Transfer of Patients. A patient may be transferred between hospitals, between hospitals and forensic psychiatric facilities, between hospitals and residential treatment centers or between residential treatment centers upon the mutual agreement of the administrative officer, designated representative or an authorized staff physician of each facility, provided such agreement is based upon one (1) of the following findings by the officers, representatives or physicians:

- (1) That the transfer will improve the opportunities of the patient to receive care and treatment most likely to be of benefit to him; or
- (2) That the transfer will permit the patient to receive care and treatment in the least restrictive alternative mode of treatment, considering the degree of danger or threat of danger to self or others which the patient presents; or
- (3) That the transfer is part of an individual treatment plan which has been reviewed and approved by a court.

(3 Ky.R. 736; eff. 6-1-1977; 9 Ky.R. 502; 685; eff. 11-3-1982; Recodified from 902 KAR 12:050, 3-7-1989; TAm eff. 4-27-2016; Crt eff. 12-18-2019.)