

922 KAR 1:370. Criteria for out-of-state placement.

RELATES TO: KRS 194A.050, 199.011, 199.680, 205.634, 615.030

STATUTORY AUTHORITY: KRS 194A.050, 199.011, 199.645, 199.680, 199.8982, 205.634, 615.050, EO 98-731

NECESSITY, FUNCTION, AND CONFORMITY: KRS 194A.050 requires the Secretary for the Cabinet for Health and Family Services to promulgate administrative regulation necessary to operate programs and fulfill the responsibilities vested in the Cabinet for Health and Family Services. This administrative regulation sets forth the criteria for out-of-state placement of children committed to the Department for Community Based Services pursuant to KRS 199.680.

Section 1. Placement in Out-of-state Facilities.

(1) Children in the custody of the cabinet may be placed in out-of-state facilities after a thorough in-state facility search, documented in the case record, is unsuccessful in finding placement that serves the needs of the child, pursuant to KRS 205.634. The out-of-state placement shall take into consideration the following circumstances:

- (a) The facility's ability to meet the child's needs;
- (b) The facility's location in relation to the parent's home;
- (c) The parent's involvement with the child and their means of transportation;
- (d) The permanency goal for the child; and
- (e) The cost of services is comparable to similar in-state services, when available.

(2) Exceptions to in-state placement may be made pursuant to KRS 199.680(1)(a) and (b).

(3) No child shall be placed in an out-of-state facility until the protection and permanency staff verify that:

- (a) The facility is licensed by, and in good standing with, licensing authorities in the state in which the facility is located;
- (b) Contact is made with the social service personnel in the state where the facility is located to assess the facility's reputation and the quality of care.

(4) The commissioner or his designee shall approve the placement of children in out-of-state facilities.

(5) The placement of children in out-of-state facilities shall comply with the Interstate Compact on Placement of Children, pursuant to KRS 615.030.

(6) The Department for Community-Based Services shall provide verification of the search for an in-state placement to the Department for Medicaid Services' Peer Review Organization for each Medicaid eligible child, prior to the Peer Review Organization's determination of medical necessity.

(7) Through the Interstate Compact on Placement of Children, the Department for Community-Based Services shall request courtesy supervision for each child placed in an out-of-state facility. The department shall also request a report every six (6) months as a result of the courtesy supervision.

Section 2. Facility Staff Participation in Case Planning. Individuals designated by the facility where the child is placed shall be invited to participate in the case planning conferences, either in person or by telephone conferencing. The permanency hearing for the child shall assess whether the out-of-state placement continues to meet the needs of the child according to the established case plan.

(25 Ky.R. 2246; eff. 5-19-99; Recodified from 905 KAR 1:370, 6-3-1999; TAm eff. 10-27-2004; TAm eff. 1-27-2006; Crt eff. 11-26-2019.)