

CABINET FOR HEALTH AND FAMILY SERVICES
Department for Community Based Services
Division of Protection and Permanency
(Amendment)

922 KAR 1:580. Standards for children's advocacy centers.

RELATES TO: KRS Chapter 13B, 17.165, Chapter 273, 600.020(7)~~[202A.011(12); 309.130-1399, 314.011(14), 314.142, Chapter 319, Chapter 335, 431.600]~~, 620.020, 620.045, 620.050

STATUTORY AUTHORITY: KRS 194A.050(1), 620.045(2)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 194A.050(1) requires the Secretary of the Cabinet for Health and Family Services to promulgate administrative regulations necessary under applicable state laws to protect, develop, and maintain the health, personal dignity, integrity, and sufficiency of the citizens of the Commonwealth and to operate the programs and fulfill the responsibilities of the cabinet. In order to be eligible for grants from state government entities, KRS 620.045(2) requires children's advocacy centers to comply with the statutory definition established in KRS 620.020(4) and administrative regulations promulgated by the cabinet. This administrative regulation establishes ~~[staff qualifications and]~~ program standards for children's advocacy centers.

Section 1. Definitions.

- (1) "Cabinet" is defined by KRS 600.020(7).
- (2) "Governing board" or "board" means the board of directors vested with the legal responsibility for management of the children's advocacy center.
~~[(2)] ["Mental health discipline" means:]~~
 - ~~[(a)] [Art therapy in accordance with KRS 309.130 to 309.1399;]~~
 - ~~[(b)] [Marriage and family therapy in accordance with KRS 335.300 to 335.399;]~~
 - ~~[(c)] [Professional counseling in accordance with KRS 335.500 to 335.599;]~~
 - ~~[(d)] [Psychiatric nursing in accordance with KRS 202A.011(12)(d);]~~
 - ~~[(e)] [Psychiatry in accordance with KRS 202A.011(12)(b);]~~
 - ~~[(f)] [Psychology in accordance with KRS Chapter 319; or]~~
 - ~~[(g)] [Social work in accordance with KRS 335.010 to 335.160.]~~
- (3) "Referral agreement" means a written protocol or process:
 - (a) Defined within the operating policies of the center; and
 - (b) That details how services required by Section 4 of this administrative regulation are established for the center's clients if the center does not have the capacity to provide these services.
- (4) "Regional children's advocacy center" or "center" means an agency defined by KRS 620.020(4) and designated by the cabinet to serve as the regional children's advocacy center in accordance with KRS 620.045(1).

Section 2. Governing Board of Directors.

- (1) A center shall be managed by a governing board in order to allow community involvement in the planning, development, and evaluation of services.
- (2) ~~[A governing board shall adopt written bylaws. The bylaws shall include the:]~~
 - ~~[(a)] [Purpose of the agency;]~~
 - ~~[(b)] [Minimum and maximum number of board member positions;]~~
 - ~~[(c)] [Qualifications for board members;]~~
 - ~~[(d)] [Method of selecting board members;]~~
 - ~~[(e)] [Terms of board members;]~~
 - ~~[(f)] [Officers and duties;]~~

- ~~[(g)] [Method of election of officers and chairpersons;]~~
~~[(h)] [Quorum requirements for meetings of the board; and]~~
~~[(i)] [Method for removal of directors.]~~
- ~~[(3)]~~ The duties of the board shall be to:
- (a) ~~[Schedule meetings of the board to be held at least six (6) times per state fiscal year;]~~
- ~~[(b)] [Maintain minutes of each meeting of the board containing:]~~
- ~~[1.] [The date and place of the meeting;]~~
~~[2.] [Names of board members present;]~~
~~[3.] [The subject matter discussed and actions taken; and]~~
~~[4.] [The name of the reporter;]~~
- ~~[(c)] [Establish standing committees of the board to include executive, nominating, finance, and personnel committees;]~~
- ~~[(d)] [Establish restrictions on reimbursement of board members, including the prohibition against a member contracting with the board to perform personal or professional services;]~~
- ~~[(e)]~~ Ensure that the facility housing the center meets the standards established in the "National Children's Alliance 2023 Standards of Accreditation for Children's Advocacy Centers"~~[is properly clean, maintained, private, and child friendly];~~ and
- (b) ~~[(f)]~~ Recruit and maintain board members who provide broad regional representation of the area development district where the center is located.
- (3) A center shall maintain good standing as a private, nonprofit agency within the Commonwealth of Kentucky and adhere to the applicable requirements of KRS Chapter 273 relating to the board of directors and organization.

Section 3. Personnel Management.

- (1) A personnel file shall be maintained by the center for each employee.
- (2) The minimum contents of the personnel file shall include:
- (a) Current professional credentials to reflect training and experience adequate for qualification for the position to which the employee is hired;
- (b) Conditions or terms of employment that shall include a confidentiality statement signed by the employee;
- (c) A personnel action document reflecting a change in status of an employee, such as salary change, promotion, resignation, or termination;
- (d) A position description document including title of the position, description of duties, and requirements of training and experience necessary to qualify for the position; and
- (e) Results from a criminal records background and central registry check conducted in accordance with KRS 17.165 and 922 KAR 1:470 on the employee during the application process and every two (2) years thereafter while employed by the center.
- (3) Written personnel policies and procedures shall be established by the center and shall meet the requirements established in the "National Children's Alliance 2023 Standards of Accreditation for Children's Advocacy Centers".~~[include:]~~
- ~~[(a)] [Attendance and leave policies;]~~
- ~~[(b)] [A compensation plan;]~~
- ~~[(c)] [Hiring, disciplinary, and firing practices;]~~
- ~~[(d)] [Staff development and continuing education provisions;]~~
- ~~[(e)] [Employee grievance procedures;]~~
- ~~[(f)] [Employee performance evaluations;]~~
- ~~[(g)] [Equal opportunity employment statements;]~~
- ~~[(h)] [Staff screening; and]~~
- ~~[(i)] [Staff training and orientation.]~~

(4) The governing board shall employ one (1) staff person as executive director of the children's advocacy center. The executive director shall have a minimum of a bachelor's degree from an accredited college or university.~~[-]~~

~~[(a)] [Be responsible for financial management of the center, including budgets and grant writing;]~~

~~[(b)] [Supervise the duties and activities of center staff and volunteers;]~~

~~[(c)] [Coordinate the design and delivery of services;]~~

~~[(d)] [Fulfill duties as required by the governing board;]~~

~~[(e)] [Report directly to the board on all center activities;]~~

~~[(f)] [Have a master's degree from an accredited college or university and three (3) years of experience in:]~~

~~[1.] [Human services;]~~

~~[2.] [Management; or]~~

~~[3.] [A criminal justice field; and]~~

~~[(g)] [Affirm a commitment to the welfare and protection of children.]~~

(5)

~~[(a)] A governing board shall~~may ~~establish the staff positions necessary to support the administration and service delivery of the agency.~~[specified in subparagraphs 1 through 5 of this paragraph.]

~~[1.] [Child advocate. A child advocate shall have a bachelor's degree from an accredited college or university and two (2) years of experience in a human services or criminal justice field.]~~

~~[2.] [Therapist. A therapist shall:]~~

~~[a.] [Have a doctorate or master's degree from an accredited college or university in a mental health discipline and two (2) years post degree counseling or clinical experience; and]~~

~~[b.] [Possess a certificate or license to practice under the laws of the Commonwealth of Kentucky in a mental health discipline.]~~

~~[3.] [Forensic interviewer. A forensic interviewer, if employed by the center, shall have:]~~

~~[a.] [A doctorate or master's degree from an accredited college or university in a mental health, education, human services, or criminal justice field;]~~

~~[b.] [Two (2) years of post degree counseling or clinical experience; and]~~

~~[c.] [Three (3) years of experience working with children.]~~

~~[4.] [Multidisciplinary team facilitator. A multidisciplinary team facilitator shall have a bachelor's degree from an accredited college or university and two (2) years of experience in a human services or criminal justice field.]~~

~~[5.] [Other staff necessary to support the administration or service delivery of the agency.]~~

~~[(b)] [The qualifications established in paragraph (a)1 through 4 of this subsection shall not apply to center staff hired prior to December 17, 2007.]~~

~~[(c)] [Within three (3) months of employment, staff providing direct services to a child shall have received twenty four (24) hours of training on issues related to child abuse.]~~

~~[(d)] [Within three (3) months of beginning service, a center volunteer who has access to or contact with a child shall have received twenty four (24) hours of training on issues related to child abuse.]~~

~~[(e)] [An employee of a center shall receive at least eight (8) hours of the training required by paragraph (c) of this subsection before providing services to a child.]~~

~~[(f)] [A center volunteer who has access to or contact with a child shall receive at least eight (8) hours of training required by paragraph (d) of this subsection before providing services at the center.]~~

(6) Staff providing direct services shall have a minimum of a bachelor's degree from an accredited college or university.

~~(7) [(g)]~~

~~[1.] [A center contracting for direct services to a child by a professional not on the staff of the center shall document that the professional meets the qualifications established in this section.]~~

~~[2.] [An agreement for provision of service shall:]~~

~~[a.] [Be on file at the center; and]~~

~~[b.] [Specify the qualifications of the staff.]~~

~~[(h)]~~ An employee of a children's advocacy center shall be at least twenty-one (21) years of age.

~~(8) [(i)]~~ An applicant for employment shall submit to a criminal records check in accordance with KRS 17.165 and 922 KAR 1:470 during the application process and every two (2) years thereafter while employed by the center.

~~(9) [(j)]~~ A center volunteer who has access to or contact with a child shall submit to a criminal records check in accordance with KRS 17.165 and 922 KAR 1:470 prior to beginning service to the center and every two (2) year thereafter while service is being provided to the center.

~~(10) [(k)]~~ An employee of a center under indictment or legally charged with a violent or sex crime as defined in KRS 17.165 shall be immediately removed from contact with children in the center until the employee is cleared of the charge.

~~(11) [(4)]~~ A center volunteer under indictment or legally charged with a violent or sex crime as defined in KRS 17.165 shall be immediately removed from contact with children in the center until the center volunteer is cleared of the charge.

~~(12) [(m)]~~ An employee or designated agent shall have immunity from civil liability arising from performance within the scope of the person's duties and shall be provided a defense in civil actions pursuant to KRS 620.050(2).

Section 4. Center Services and Standards.~~[(Responsibilities)]~~

~~[(1)]~~ A center shall meet the standards contained in the "National Children's Alliance 2023 Standards for Accreditation for Children's Advocacy Centers".~~[-]~~

~~[(a)] [Provide:]~~

~~[1.] [Advocacy services;]~~

~~[2.] [Counseling services;]~~

~~[3.] [Clinical services;]~~

~~[4.] [Forensic interviewing;]~~

~~[5.] [Multidisciplinary team facilitation;]~~

~~[6.] [Medical examination services; and]~~

~~[7.] [Consultation and education services; or]~~

~~[(b)] [Develop a referral agreement to refer clients to a provider of the services listed in paragraph (a)1 through 7 of this subsection.]~~

~~[(2)] [Advocacy services assist child victims and their non-offending caregivers and may include:]~~

~~[(a)] [Accompaniment to court or court-related meetings;]~~

~~[(b)] [Case management services; or]~~

~~[(c)] [Information and referral services.]~~

~~[(3)] [Counseling services may include:]~~

~~[(a)] [A crisis telephone line;]~~

~~[(b)] [Crisis counseling services; and]~~

~~[(c)] [Support group services.]~~

~~[(4)]~~

~~[(a)] [Clinical services may include:]~~

- ~~{1.} [A mental health evaluation;]~~
- ~~{2.} [Individual therapy services for a child and non-offending caretaker and family; or]~~
- ~~{3.} [Group therapy services for a child and non-offending caretaker.]~~
- ~~{(b)} [Clinical services shall be provided by a professional who meets the requirements of Section 3(5)(a)2 of this administrative regulation.]~~
- ~~{(5)} [Forensic interviewing shall include structured interviews with a child for the purpose of facilitating a criminal investigation and may be provided on site at the center by:]~~
 - ~~{(a)} [The center staff forensic interviewer meeting the requirements established in Section 3(5)(a)3. of this administrative regulation;]~~
 - ~~{(b)} [A law enforcement officer; or]~~
 - ~~{(c)} [A worker who is employed by the cabinet.]~~
- ~~{(6)} [A child's recorded interview shall not be duplicated except in accordance with KRS 620.050(10).]~~
- ~~{(7)} [Multidisciplinary team facilitation may include:]~~
 - ~~{(a)} [Scheduling of meetings;]~~
 - ~~{(b)} [Case tracking;]~~
 - ~~{(c)} [Case review; or]~~
 - ~~{(d)} [Data collection.]~~
- ~~{(8)}~~
 - ~~{(a)} [Medical examination services shall be:]~~
 - ~~{1.} [Reimbursed by the Department for Medicaid Services in accordance with 907 KAR 3:160; and]~~
 - ~~{2.} [Provided by:]~~
 - ~~{a.} [A licensed physician with pediatric experience and expertise in the evaluation and treatment of child abuse;]~~
 - ~~{b.} [A licensed advanced practice registered nurse with pediatric experience and expertise in evaluation and treatment of child abuse; or]~~
 - ~~{c.} [A sexual assault nurse examiner certified in accordance with KRS 314.011(14) and 314.142.]~~
 - ~~{(b)} [If a medical exam is conducted by the center staff or a contractor, a mental health evaluation shall be provided:]~~
 - ~~{1.} [Within twenty-four (24) hours of the medical exam; or]~~
 - ~~{2.} [If the medical exam will be billed to Medicaid, the same day and at the same location as the medical exam, in accordance with Section 907 KAR 3:160, Section 4(2)(d).]~~
- ~~{(9)}~~
 - ~~{(a)} [Consultation and education services may include:]~~
 - ~~{1.} [School-based prevention programs;]~~
 - ~~{2.} [Community education programs;]~~
 - ~~{3.} [Media presentations;]~~
 - ~~{4.} [In-service training; or]~~
 - ~~{5.} [Case consultation services.]~~
 - ~~{(b)} [A center shall provide a minimum of one (1) training session per year for community partners or the community at large.]~~
- ~~{(10)} [In addition to providing services to children in the county in which the center is located, regional center staff shall serve:]~~
 - ~~{(a)} [Children in other counties in the area development district, including those who need medical examinations or forensic interviewing services; and]~~
 - ~~{(b)} [As a technical assistant and consultation resource to criminal justice and human service professionals in the area development district in which the center is located.]~~

~~[(11)] [Services provided by a center shall be coordinated with multidisciplinary teams as defined in KRS 431.600 and 620.020.]~~

~~[(12)] [A center shall provide written policies and procedures for clients and volunteers that include:]~~

- ~~[(a)] [Volunteer screening;]~~
- ~~[(b)] [Volunteer training and orientation;]~~
- ~~[(c)] [Grievance procedures for clients and volunteers;]~~
- ~~[(d)] [Safety;]~~
- ~~[(e)] [Clients of the center;]~~
- ~~[(f)] [Client records;]~~
- ~~[(g)] [Intake;]~~
- ~~[(h)] [Comprehensive child sexual abuse examinations;]~~
- ~~[(i)] [Therapy;]~~
- ~~[(j)] [Forensic interviews; and]~~
- ~~[(k)] [Mandatory reporting of child and adult abuse.]~~

~~[(13)] [A center shall provide to the non-offending caregiver written instructions that include:]~~

- ~~[(a)] [The name and contact information for the center;]~~
- ~~[(b)] [The name of the cabinet staff member involved in the case;]~~
- ~~[(c)] [The names of law enforcement personnel handling the case;]~~
- ~~[(d)] [The name and contact information for the County or Commonwealth's Attorney involved in the case;]~~
- ~~[(e)] [The name and contact information for the receiving medical provider if a referral for additional assessment or treatment is made;]~~
- ~~[(f)] [The name and contact information for the receiving mental health provider if a referral for additional assessment or treatment is made; and]~~
- ~~[(g)] [Any known information regarding follow-up appointment times and recommended after-care referrals.]~~

~~[(14)] [A center shall develop and maintain written confidentiality policies and procedures to ensure client privacy as provided in Kentucky Rules of Evidence 506 and 507.]~~

~~[(15)] [A center shall develop and maintain written policies to limit disclosure of confidential information pursuant to KRS 620.050(5).]~~

~~[(16)] [A center shall maintain good standing as a private, nonprofit agency within the Commonwealth of Kentucky.]~~

~~[(17)]~~

- ~~[(a)] [A center shall obtain the following insurance coverage:]~~
 - ~~[1.] [Malpractice insurance for the center staff, Board of Directors, and volunteers;]~~
 - ~~[2.] [Liability insurance for the center staff, Board of Directors, and volunteers;]~~
 - ~~[3.] [Fidelity bonding;]~~
 - ~~[4.] [Facility insurance; and]~~
 - ~~[5.] [Workers compensation insurance.]~~
- ~~[(b)] [If contracted professionals provide their own insurance and are not covered by the center, the center shall maintain documentation that shows an active and appropriate policy.]~~
- ~~[(c)] [The center shall submit documentation showing proof of insurance to the cabinet.]~~

Section 5. Client Files and Documentation.

(1) A center shall open a client file for a child who is provided a service, excluding service that is limited to a telephone conversation.

(2) A client file shall include information sufficient to document the services provided or referral made by the center and shall include:

- (a) The names of the client and primary caregiver;
- (b) The name of the recipient of service;
- (c) The client's address;
- (d) The client's date of birth;
- (e) Each date of service provided by the center;
- (f) The name and title of each service provider of the center;
- (g) A description of any services provided by the center;
- (h) The referral sources used;
- (i) A description of any follow-up services provided; and
- (j) Descriptions of contacts with, report to, and referrals from the cabinet and law enforcement agency.

(3)

- (a) A center shall maintain a system for tracking:
 - 1. Services rendered by region, except that comprehensive medical services and forensic interviewing shall be tracked by county of the client's residence;
 - 2. Clients seen by county of client's residence;
 - 3. Referrals made; and
 - 4. Contacts with other community agencies on behalf of clients.
- (b) Documentation shall be sufficient to support statistics reported to the cabinet.

Section 6. Funding.

(1)

- (a) The cabinet shall designate one (1) regional children's advocacy center in each area development district.
- (b) A children's advocacy center designated on or after July 1, 2007, shall retain the designation unless it has been rescinded by the cabinet based on:
 - 1. Periodic review of the center's performance; or
 - 2. The annual plan and budget submitted by the center to the cabinet for funding for the next fiscal year.
- (c) The cabinet shall notify the Office of the Attorney General, the Department for Medicaid Services, and the Justice and Public Safety Cabinet of any designation of a regional children's advocacy center made pursuant to this administrative regulation.

(2) The requirements of this administrative regulation shall not prohibit the center from applying for nongovernmental grants or fundraising to support efforts consistent with the mission of the center.

(3)

- (a) In addition to the provisions of subsection (1)(b) of this section, the Commissioner of the Department for Community Based Services may rescind the designation of a center if a determination is made that the center failed to:

- 1. Submit a budget and plan for services that substantiates ~~which shall substantiate~~ the capacity to provide services specified in KRS 620.020(4) and in accordance with this administrative regulation;
- 2. Operate in accordance with a budget and plan for services approved by the cabinet; or
- 3. Operate in accordance with the requirements of this administrative regulation.

- (b) Any notice of rescission of a designation shall:

- 1. Be in writing;
- 2. Be mailed to the center's last known mailing address;
- 3. State the basis for the rescission;
- 4. State the effective date of the rescission; and

5. State any appeal rights.

(c) The cabinet shall notify the Office of the Attorney General, the Department for Medicaid Services, and the Justice and Public Safety Cabinet of any notice of rescission of a designation of a regional children's advocacy center issued pursuant to this administrative regulation. Failure by the cabinet to provide such notice shall not serve as grounds for the affected center to invalidate the notice of rescission.

(4) Cabinet funding for a center shall be contracted through the regional center or the centers' state association.

(5) A center may contract or establish referral agreements with other agencies or professionals to provide services established in the "National Children's Alliance 2023 Standards for Accreditation for Children's Advocacy Centers"~~[Section 4 of this administrative regulation]~~.

(6)

(a) Except in cases where designation has terminated, as established in subsection (1)

(b) of this section, a center that has received written notice that its designation has been rescinded may appeal the determination of the Commissioner of the Department for Community Based Services by requesting an administrative hearing.

(b) Any request for an administrative hearing shall be in writing and shall be received by the Department for Community Based Services within thirty (30) days of the date of receipt of the notice of rescission. This type of request shall be sent to the Office of the Commissioner, Department for Community Based Services, Cabinet for Health and Family Services, 275 East Main Street, 3E-A, Frankfort, Kentucky 40621.

(c) Any administrative hearing held pursuant to this administrative regulation shall be conducted in accordance with KRS Chapter 13B by a hearing officer employed by the cabinet.

(d) A request for an administrative appeal shall stay the rescission of the designation until the administrative appeal process is final.

(e) The stay on the rescission of the designation granted by paragraph (d) of this subsection shall not extend to judicial review, unless a stay is granted pursuant to KRS 13B.140(4).

Section 7. Audit and Monitoring.

(1) The cabinet or its agent shall randomly, or upon receipt of a complaint, audit, monitor, or conduct program reviews of a center.

(2) A center shall allow the cabinet or its agent access to its property and records as required by subsection (1) of this section.

Section 8. Grievance and Appeals Process. Client grievances. A center shall establish a written grievance procedure that shall:

(1) Be given to the parent or guardian of each child who comes to the center for services; and

(2) Contain a description of the services provided by the center and the procedure for filing a client grievance in accordance with 922 KAR 1:320, Section 10.

Section 9. Incorporation by Reference.

(1) "National Children's Alliance 2023 Standards of Accreditation for Children's Advocacy Centers", 2023 Edition, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department for Community Based Services, 275 East Main, Frankfort, Kentucky 40621, Monday through Friday, 8 a.m. to 4:30 p.m. This material may also be viewed on the department's Web site at <https://chfs.ky.gov/agencies/dcbs/Pages/default.aspx>.

LESA DENNIS, Commissioner
ERIC C. FRIEDLANDER, Secretary

APPROVED BY AGENCY: July 7, 2023

FILED WITH LRC: July 13, 2023 at 11:45 a.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall, if requested, be held on September 25, 2023, at 9:00 a.m. using the CHFS Office of Legislative and Regulatory Affairs Zoom meeting room. The Zoom invitation will be emailed to each requestor the week prior to the scheduled hearing. Individuals interested in attending this virtual hearing shall notify this agency in writing by September 18, 2023, five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who attends virtually will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on this proposed administrative regulation until September 30, 2023. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to the contact person. Pursuant to KRS 13A.280(8), copies of the statement of consideration and, if applicable, the amended after comments version of the administrative regulation shall be made available upon request.

CONTACT PERSON: Krista Quarles, Policy Analyst, Office of Legislative and Regulatory Affairs, 275 East Main Street 5 W-A, Frankfort, Kentucky 40621; phone 502-564-6746; fax 502-564-7091; email CHFSregs@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Laura Begin and Krista Quarles

(1) Provide a brief summary of:

(a) What this administrative regulation does:

This administrative regulation establishes program standards for children's advocacy centers.

(b) The necessity of this administrative regulation:

KRS 194A.050(1) requires the secretary of the Cabinet for Health and Family Services to promulgate administrative regulations necessary under applicable state laws to protect, develop, and maintain the health, personal dignity, integrity, and sufficiency of the citizens of the Commonwealth and to operate the programs and fulfill the responsibilities of the cabinet.

(c) How this administrative regulation conforms to the content of the authorizing statutes:

This administrative regulation is necessary to implement programs mandated by federal law and to qualify for the receipt of federal funds, establishes basic standards of care and service for child-placing agencies, and implements the provision of KRS Chapter 620.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:

KRS 620.045(2) requires children's advocacy centers to comply with the statutory definition established in KRS 620.020(4) and administrative regulations promulgated by the cabinet. This administrative regulation establishes the standards and requirements for children's advocacy centers.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation:

This administrative regulation establishes the program standards for children's advocacy centers. This amendment includes references to and provisions from the National Children's Alliance Standards of Accreditation for Children's Advocacy Centers for implementation through the statewide network of children's advocacy centers in Kentucky. These national standards ensure that children receive consistent, evidence-based services.

(b) The necessity of the amendment to this administrative regulation:

This amendment includes the program standards for children's advocacy centers and was requested by the Children's Advocacy Centers of Kentucky to reflect the National Standards of Accreditation for Children's Advocacy Centers.

(c) How the amendment conforms to the content of the authorizing statutes:

KRS 194A.050(1) requires the Secretary of the Cabinet for Health and Family Services to promulgate administrative regulations necessary under applicable state laws to protect, develop, and maintain the health, personal dignity, integrity, and sufficiency of the citizens of the Commonwealth and to operate the programs and fulfill the responsibilities of the cabinet. This administrative regulation establishes the standards for children's advocacy centers to meet in serving vulnerable children in the commonwealth. KRS 620.045(2) requires children's advocacy centers

to comply with this administrative regulation in order to be eligible for grant funding to operate.

(d) How the amendment will assist in the effective administration of the statutes:

This administrative regulation establishes program standards for children's advocacy centers, through which children in the commonwealth are served.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:

During SFY 2022 (July 1, 2021-July 15, 2022), Children Advocacy Centers of Kentucky provided services to 616 child victims and 271 caregivers. The centers performed 195 forensic interviews and 17 child sexual abuse medical examinations.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment:

Children advocacy centers are required to meet the requirements contained in KRS 620.045(2) to be eligible for grants from any state government entity. This amendment deletes unnecessary, duplicative requirements and instead requires national standards be met. This makes the administrative regulation easier to follow and will ease administrative burdens for regulated entities. These changes were requested by the Children's Advocacy Centers of Kentucky.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3):

Regulated entities will not incur a new or additional costs.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3):

This amendment deletes unnecessary, duplicative requirements and instead requires national standards be met. This makes the administrative regulation easier to follow and will ease administrative burdens for regulated entities. These changes were requested by the Children's Advocacy Centers of Kentucky.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially:

The amendment to this administrative regulation is not projected to have a fiscal impact on the administrative body.

(b) On a continuing basis:

The amendment to this administrative regulation is not projected to have a fiscal impact on the administrative body.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation:

The cabinet's provision of child protective services is funded by the federal Social Services Block Grant, General Funds, and Agency Restricted Funds derived from Medicaid. Child protective and other child welfare services are further enhanced and supported by funding made available through federal grants authorized through Title IV of the Social Security Act, including Child Abuse Prevention and Treatment Act as amended.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment:

An increase in fees or funding is not necessary to implement this administrative regulation.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees:

This administrative regulation does not establish any fees or directly or indirectly increase any fees.

(9) TIERING: Is tiering applied?

Tiering is not applied, because this administrative regulation will be applied in a like manner statewide.

FISCAL NOTE

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation?

The Cabinet for Health and Family Services will be impacted by the amendment to this administrative regulation.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation.

KRS 194A.050(1), 620.045(2).

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year?

The amendment to this administrative regulation will not generate any revenue for state or local government.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years?

The amendment to this administrative regulation will not generate any revenue for state or local government in subsequent years.

(c) How much will it cost to administer this program for the first year?

The amendment to this administrative regulation is not projected to have a new fiscal impact on the administrative body.

(d) How much will it cost to administer this program for subsequent years?

The amendment to this administrative regulation is not projected to have a new fiscal impact on the administrative body.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

(4) Estimate the effect of this administrative regulation on the expenditures and cost savings of regulated entities for the first full year the administrative regulation is to be in effect.

(a) How much cost savings will this administrative regulation generate for the regulated entities for the first year?

This administrative regulation does not include cost savings for regulated entities, but will ease administrative burdens.

(b) How much cost savings will this administrative regulation generate for the regulated entities for subsequent years?

Cost savings are not anticipated.

(c) How much will it cost the regulated entities for the first year?

There are no costs associated with this amendment.

(d) How much will it cost the regulated entities for subsequent years?

There are no costs associated with this amendment.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Cost Savings (+/-):

Expenditures (+/-):

Other Explanation:

(5) Explain whether this administrative regulation will have a major economic impact, as defined below.

"Major economic impact" means an overall negative or adverse economic impact from an administrative regulation of five hundred thousand dollars (\$500,000) or more on state or local government or regulated entities, in aggregate, as determined by the promulgating administrative bodies. [KRS 13A.010(13)] No, this administrative regulation is not anticipated to have an economic impact to regulated entities, but rather will ease administrative burdens on regulated entities.