

CABINET FOR HEALTH AND FAMILY SERVICES
Department for Behavioral Health, Developmental and Intellectual Disabilities
Division of Behavioral Health
(New Administrative Regulation)

908 KAR 2:300. Kentucky problem gambling assistance account.

RELATES TO: KRS 194A.005(1), (3), KRS Chapter 210, KRS 210.410(2), 211.185, 309.080(2), 309.130(2), 311.571, 311.840 to 311.862, 314.042, 319.050, 319.056, 319.064, 319C.010(6), 335.080, 335.100, 335.300, 335.500,

STATUTORY AUTHORITY: KRS 230.826

NECESSITY, FUNCTION, AND CONFORMITY: KRS 230.826 requires the secretary of the Cabinet for Health and Family Services to promulgate administrative regulations to establish criteria for the expenditure of funds from the Kentucky problem gambling assistance account to provide support to agencies, groups, organizations, and persons that provide education, assistance, and counseling to persons and families experiencing difficulty as a result of problem gambling, or substance use disorder. These funds may also be used to promote public awareness and assistance of education and programs to reduce the consequences of problem gambling and pay for the costs and expenses associated with treatment of and recovery from problem gambling. This administrative regulation establishes the standards for the types of agencies, groups, organizations, and persons eligible to receive funding, types of eligible activities, required documentation, and the development of performance measures and evidence of successful expenditures of awarded funds. KRS 230.826 also requires the establishment of procedures for the submission, evaluation, and review of applications for funding; the awarding of funds; and the cabinet's monitoring of fund expenditures.

Section 1. Definitions.

(1) "Behavioral health professional" means:

- (a) A psychiatrist licensed under the laws of Kentucky to practice medicine or osteopathy, or a medical officer of the government of the United States while engaged in the performance of official duties, who is certified or eligible to apply for certification by the American Board of Psychiatry and Neurology, Inc. or the American Osteopathic Board of Neurology and Psychiatry;
- (b) A physician licensed in Kentucky to practice medicine or osteopathy in accordance with KRS 311.571;
- (c) A psychologist licensed and practicing in accordance with KRS 319.050;
- (d) A certified psychologist with autonomous functioning or licensed psychological practitioner practicing in accordance with KRS 319.056;
- (e) A clinical social worker licensed and practicing in accordance with KRS 335.100;
- (f) An advanced practice registered nurse licensed and practicing in accordance with KRS 314.042;
- (g) A physician assistant licensed under KRS 311.840 to 311.862;
- (h) A licensed marriage and family therapist as defined by KRS 335.300;
- (i) A licensed professional clinical counselor as defined by KRS 335.500;
- (j) A licensed professional art therapist as defined by KRS 309.130(2); or
- (k) A licensed behavior analyst as defined by KRS 319C.010(6).

(2) "Behavioral health professional under clinical supervision" means a:

- (a) Psychologist certified and practicing in accordance with KRS 319.056;
- (b) Licensed psychological associate licensed and practicing in accordance with KRS 319.064;
- (c) Marriage and family therapist associate as defined by KRS 335.300(3);

- (d) Social worker certified and practicing in accordance with KRS 335.080;
 - (e) Licensed professional counselor associate as defined by KRS 335.500(4);
 - (f) Licensed professional art therapist associate as defined by KRS 309.130(3); or
 - (g) Registered behavior technician under the supervision of a licensed behavior analyst.
- (3) "Behavioral Health Services Organization" or "BHSO" means a program licensed in accordance with 902 KAR 20:430.
- (4) "Certified alcohol and drug counselor" is defined by KRS 309.080(2).
- (5) "Client" means an individual described by KRS 210.410(2).
- (6) "Community mental health center" or "CMHC" or "center" means a program established pursuant to KRS Chapter 210.
- (7) "Department" means the Department for Behavioral Health, Developmental and Intellectual Disabilities, Cabinet for Health and Family Services, 275 East Main Street, Frankfort, Kentucky 40621.

Section 2. Eligibility.

- (1) The following organizations and individuals are eligible to apply for funding, to the extent funds are available, from the Kentucky problem gambling assistance account:
- (a) A CMHC licensed in accordance with 902 KAR 20:091;
 - (b) A BHSO licensed in accordance with 902 KAR 20:430;
 - (c) A Behavioral health professional;
 - (d) A health department established pursuant to KRS 211.185; or
 - (e) A federally designated 501(c)3 organization.
- (2) Applications for funding must be for at least one (1) of the following activities:
- (a) Providing support to agencies, groups, organizations, and persons that provide education, assistance, and counseling to persons and families who experience difficulty as a result of substance use disorder, or problem or compulsive gambling;
 - (b) Promoting public awareness of, and providing education about, problem gambling;
 - (c) Establishing and funding programs to certify problem gambling counselors; or
 - (d) Promoting public awareness of assistance programs for those experiencing consequences of problem gambling.

Section 3. Application for Funding. Entities that meet the eligibility requirements established in Section 2(1) of this administrative regulation shall submit a "Kentucky Gambling Assistance Application" with the required supporting documentation to the Department for Behavioral Health, Developmental, and Intellectual Disabilities, attention: Problem Gambling Assistance Account:

- (1) In writing to 275 East Main Street, mail-stop 4W-G, Frankfort, Kentucky 40621; or
- (2) Via electronic mail to kyproblemgamblingassistance@ky.gov.

Section 4. Monitoring. Recipients of funds from the Kentucky problem gambling assistance account shall:

- (1) Establish and conduct evaluation measures that assess the efficacy of services provided;
- (2) Collect and report the following data:
 - (a) The number of individuals served;
 - (b) Types of services provided to individuals served; and
 - (c) Detailed costs for the number of individuals served and the services provided during the reporting period.
- (3) Submit quarterly reports meeting the requirements established in this section of the administrative regulation:
 - (a) To the Department for Behavioral Health, Developmental, and Intellectual Disabilities, attention: Problem Gambling Assistance Account, 275 East Main Street,

mail-stop 4W-G, Frankfort, Kentucky 40621; or

(b) Via electronic mail to kyproblemgamblingassistance@ky.gov.

Section 5. Treatment Professional Certification.

(1) Qualified behavioral health providers seeking certification from a cabinet-approved, nationally or internationally recognized certifying organization shall:

(a) Have at a minimum a bachelor's degree or equivalent in a behavioral health field;

(b) Have current Kentucky licensure in substance use disorder counseling, or mental health counseling or equivalent work experience;

(c) Complete fifteen (15) hours of training on problematic and disordered gaming prevention, assessment, and co-occurring issues for individuals and families by an approved trainer;

(d) Complete fifty (50) direct contact hours addressing the issues, prevention and early intervention, co-occurring and when to refer for individuals and families with a gaming disorder;

(e) Complete a minimum of four (4) consultation hours with an approved consultant from the certifying organizations board;

(f) Complete all application materials, ethical statement, and directory authorization forms required by the certifying organization;

(g) Pass any examination required by the cabinet-approved certifying organization; and

(h) Pay fees associated for the completion of certification to the certifying organization.

(2) To the extent funds are available, individuals may apply for reimbursement for any fees paid after successful completion of certification from a cabinet-approved certifying organization by submitting an application to the department for reimbursement.

Section 6. Department Responsibilities. The department shall publish on the department Web site:

(1) Certified treatment providers for individuals experiencing the consequences of problem gambling; and

(2) Problem gambling treatment and recovery services and resources.

Section 7. Incorporation by Reference.

(1) "Kentucky Gambling Assistance Application", 07/23, 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 Street, Frankfort, Kentucky 40621, Monday through Friday, 8 a.m. to 4:30 p.m. This material may also be viewed on the departments Web site at <https://www.chfs.ky.gov/agencies/dbhdid/Pages/default.aspx>.

KATHERINE R. MARKS, Ph. D., Commissioner

ERIC C. FRIEDLANDER, Secretary

APPROVED BY AGENCY: July 13, 2023

FILED WITH LRC: July 31, 2023 at 10:45 a.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall, if requested, be held on October 23, 2023 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 October 16, 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 October 31, 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.