

CABINET FOR HEALTH AND FAMILY SERVICES
Department for Behavioral Health, Developmental and Intellectual Disabilities
Division of Behavioral Health
(Amended at ARRS Committee)

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

RELATES TO: KRS 194A.005(1), Chapter 210, 211.185, 230.826, 309.080(2), 309.083, 309.0832, 309.130(2), (3), 311.571, 311.840 – 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(2) requires 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; and 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. 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. This administrative regulation establishes the standards for the types of agencies, groups, organizations, and persons eligible to receive funding from the Kentucky problem gambling assistance account, types of eligible activities, required documentation, and the development of performance measures and evidence of successful expenditures of awarded funds.

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 through 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);
- (k) A "licensed behavior analyst" as defined by KRS 319C.010(6); or
- (l) A licensed clinical alcohol and drug counselor in accordance with KRS 309.0832.

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

- (a) Psychologist certified and practicing in accordance with KRS 319.056;
- (b) Licensed psychological associate 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);
 - (g) Registered behavior technician under the supervision of a licensed behavior analyst; or
 - (h) A certified alcohol and drug counselor in accordance with KRS 309.083.
- (3) "Behavioral Health Services Organization" or "BHSO" means a program licensed in accordance with 902 KAR 20:430.
- (4) "Community mental health center" or "CMHC" or "center" means a program established pursuant to KRS Chapter 210.
- (5) "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 shall be 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 behavioral health professional under clinical supervision;
 - (e) A health department established pursuant to KRS 211.185;
 - (f) A federally designated 501(c)3 organization; or
 - (g) A Certified Community Behavioral Health Clinic participating in the Center for Medicaid or Medicare Services Section 223 CCBHC Demonstration.
- (2) A Kentucky Gambling Assistance Application shall only be filed for the purpose of requesting funds for:
- (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;
 - (d) Promoting public awareness of assistance programs for those experiencing consequences of problem gambling; or
 - (e) Paying the costs associated with the treatment of addictions.

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.

- (1) Recipients of funds from the Kentucky problem gambling assistance account shall:
- (a) Establish and conduct evaluation measures that assess the efficacy of services provided;
 - (b) Collect and report the:
 - 1. Number of individuals served;
 - 2. Types of services provided to individuals served; and
 - 3. Detailed costs for the number of individuals served and the services provided during the reporting period; and

(c) Submit quarterly reports meeting the requirements established in this section of the administrative regulation:

1. 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
2. Via electronic mail to kyproblemgamblingassistance@ky.gov.

Section 5. Treatment Professional Certification.

(1) Qualified behavioral health providers seeking certification from a cabinet-approved or 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, mental health counseling, or equivalent work experience;
- (c) Complete thirty (30) hours of training on problem gambling prevention, assessment, and co-occurring issues for individuals and families by an approved trainer through a certifying organization;
- (d) Complete 100 direct contact hours addressing the issues, prevention, and early intervention, co-occurring and under what conditions to refer for individuals and families who experience problem gambling;
- (e) Complete a minimum of four (4) consultation hours with a consultant approved through the certifying organization's 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 applicable 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>.

(50 Ky.R. 756, 1357, 1546; eff. 1-18-2024.)

FILED WITH LRC: December 11, 2023

CONTACT PERSON: Krista Quarles, Policy Analyst, Office of Legislative and Regulatory Affairs, 275 East Main Street 5 W-A, Frankfort, Kentucky 40621; phone 502-564-7476; fax 502-564-7091; email CHFSregs@ky.gov.