

1 AN ACT relating to the Family in Recovery Empowerment Public and Private
2 Partnership Grant Program and making an appropriation therefor.

3 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

4 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 222 IS CREATED TO
5 READ AS FOLLOWS:

6 *As used in Sections 1 to 5 of this Act:*

7 *(1) "Family in Recovery Empowerment Public and Private Partnership Grant*
8 *Program" or "FIRE grant program" means the grant program established in*
9 *Section 2 of this Act; and*

10 *(2) "Family in Recovery Empowerment Public and Private Partnership Grant*
11 *Program trust fund" or "FIRE trust fund" means the trust fund established in*
12 *Section 4 of this Act.*

13 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 222 IS CREATED TO
14 READ AS FOLLOWS:

15 *(1) The Office of Drug Control Policy, Justice and Public Safety Cabinet, shall*
16 *establish the Family in Recovery Empowerment Public and Private Partnership*
17 *Grant Program, which shall be a public, private, and community competitive,*
18 *open grant program to provide funding to nonprofit programs providing*
19 *substance use disorder treatment and recovery services for mothers and their*
20 *children, if funding is available.*

21 *(2) The FIRE grant program shall provide funding to programs in accordance with*
22 *the priorities established in the plan developed and the criteria set forth under*
23 *Section 3 of this Act.*

24 *(3) The Office of Drug Control Policy shall:*

25 *(a) Establish the FIRE grant program operations including:*

26 *1. An application process and requirements;*

27 *2. Program and outcome measurement requirements;*

1 3. A grant application review and award process; and

2 4. Monitoring, oversight, and reporting requirements for programs
 3 funded by the grant program;

4 (b) Assist in establishing four (4) model programs during the 2018-2019 and
 5 2019-2020 fiscal years through the FIRE grant program for substance use
 6 disorder treatment and recovery services for mothers and their children in
 7 four (4) regions of Kentucky that are most affected by substance use
 8 disorders; and

9 (c) Provide to the Governor and the Legislative Research Commission an
 10 annual report by October 1 of each year. The report shall include:

11 1. The plan developed under Section 3 of this Act for the expenditure of
 12 funds for the current and next fiscal year;

13 2. A summary of the use and impact of prior year funds;

14 3. A summary of the activities of the FIRE grant program during the
 15 prior fiscal year; and

16 4. Any recommendations for future initiatives or action regarding the
 17 FIRE grant program's funding.

18 ➔SECTION 3. A NEW SECTION OF KRS CHAPTER 222 IS CREATED TO
 19 READ AS FOLLOWS:

20 The Office of Drug Control Policy shall:

21 (1) Develop a written plan for the expenditure of FIRE trust fund moneys made
 22 available under Section 4 of this Act. The initial plan shall be completed on or
 23 before October 1, 2018, and shall be updated on an annual basis on or before
 24 October 1 of each year thereafter. The plan shall, at a minimum, include the
 25 following:

26 (a) A summary of existing substance use disorder treatment and recovery
 27 services for mothers and their children in Kentucky;

1 (b) A needs assessment for substance use disorder treatment and recovery
2 services for mothers and their children that identifies housing and program
3 operation funding needs by geographic area, with support for why the
4 identified funding is needed; and

5 (c) A prioritized list of programs that the Office of Drug Control Policy will
6 address with funding available through the FIRE grant program
7 established under Section 2 of this Act;

8 (2) The criteria for programs awarded grants through the FIRE grant program shall
9 include but not be limited to:

10 (a) Provision of, or formal agreements with other agencies to provide:

11 1. Early intervention services;

12 2. Medical detoxification;

13 3. Medication-assisted therapy;

14 4. Medical care coordination;

15 5. HIV and hepatitis C testing;

16 6. Screening and treatment for co-occurring mental health disorders;

17 7. Residential treatments, including individual, group and family
18 therapies;

19 8. Transportation;

20 9. Education on nutrition, physical activity, and wellness;

21 10. Smoking cessation counseling;

22 11. Breastfeeding support;

23 12. Counseling on family planning;

24 13. Parenting classes, including safe sleeping practices;

25 14. Access to educational and vocational attainment resources;

26 15. Intensive outpatient treatment;

27 16. Aftercare for mothers and children;

- 1 17. Peer support;
- 2 18. Family reunification advocacy;
- 3 19. Case management;
- 4 20. Supportive and transitional housing; and
- 5 21. The use of telehealth services to provide addiction treatment where
- 6 appropriate;
- 7 (b) An assessment method that is consistent with the American Society of
- 8 Addiction Medicine criteria to determine level of care;
- 9 (c) Licensure as a nonmedical- and nonhospital-based alcohol and other drug
- 10 abuse treatment entity;
- 11 (d) Provision of, or formal agreements with other agencies to provide, family
- 12 services, including:
- 13 1. Accommodations for children under age eighteen (18) years of age to
- 14 stay with their mother whenever possible;
- 15 2. Parent-child interaction therapy and child-parent psychotherapy
- 16 whenever age appropriate;
- 17 3. Program staff to provide advocacy and support for clients with open
- 18 child protective services cases in completing prevention plans; and
- 19 4. Extended family psychoeducation, support, and counseling;
- 20 (e) Use of nationally recommended practices;
- 21 (f) Use of quality outcome measures, including:
- 22 1. The percentage of women completing residential clinical treatment;
- 23 2. The percentage of women completing intensive outpatient therapy;
- 24 3. The percentage of babies born to mothers in treatment increasing
- 25 their weight at well-baby check-ups;
- 26 4. The percentage of mothers with active child protective services
- 27 involvement who make progress on reunification goals; and

1 5. The percentage of women with an earned income source or who are
 2 pursuing educational goals;

3 (g) Evidence of fiscal sustainability beyond the grant funding period; and

4 (h) Evidence of collaboration with public and private entities.

5 ➔SECTION 4. A NEW SECTION OF KRS CHAPTER 222 IS CREATED TO
 6 READ AS FOLLOWS:

7 (1) The Family in Recovery Empowerment Public and Private Partnership Grant
 8 Program trust fund is created as a separate revolving fund.

9 (2) The FIRE trust fund may receive the proceeds from grants, contributions,
 10 appropriations, and any other moneys that may be made available for the
 11 purposes of the FIRE trust fund.

12 (3) Notwithstanding KRS 45.229, funds unexpended at the close of a fiscal year shall
 13 not lapse but shall be carried forward to the next fiscal year.

14 (4) Any interest earnings of the FIRE trust fund shall become a part of the FIRE
 15 trust fund and shall not lapse to the general fund.

16 ➔SECTION 5. A NEW SECTION OF KRS CHAPTER 222 IS CREATED TO
 17 READ AS FOLLOWS:

18 (1) The Family in Recovery Empowerment Public and Private Partnership Grant
 19 Program shall cease to exist on December 1, 2028, unless otherwise reestablished
 20 by the General Assembly.

21 (2) If the General Assembly does not reestablish the Family in Recovery
 22 Empowerment Public and Private Partnership Grant Program, any moneys
 23 remaining in the FIRE trust fund established in Section 4 of this Act on
 24 December 1, 2028, shall be deposited in the general fund.

25 ➔Section 6. KRS 196.288 is amended to read as follows:

26 (1) The department shall measure and document cost savings resulting from
 27 amendments to or creation of statutes in KRS Chapters 27A, 196, 197, 431, 439,

1 532, 533, and 534 contained in 2011 Ky. Acts ch. 2. Measured and documented
2 savings shall be reinvested or distributed as provided in this section.

3 (2) The department shall establish a baseline for measurement using the average
4 number of inmates incarcerated at each type of penitentiary as defined in KRS
5 197.010 and at local jails in fiscal year 2010-2011.

6 (3) The department shall determine the average cost of:

7 (a) Incarceration for each type of penitentiary as defined in KRS 197.010 and for
8 local jails, including health care costs, transportation costs, and other related
9 costs, for one (1) inmate for one (1) year for the immediately preceding fiscal
10 year;

11 (b) Providing probation and parole services for one (1) parolee for one (1) year
12 for the immediately preceding fiscal year; and

13 (c) Reentry services and peer support as a condition of parole for those with
14 opiate addiction and other substance abuse disorders.

15 (4) Beginning with the budget request for the 2012-2014 fiscal biennium, savings shall
16 be estimated from the baseline established in subsection (2) of this section as
17 follows:

18 (a) The estimated average reduction of inmates due to mandatory reentry
19 supervision as required by KRS 439.3406 multiplied by the appropriate
20 average cost as determined in subsection (3)(a) of this section;

21 (b) The estimated average reduction of inmates due to accelerated parole hearings
22 as required by KRS 439.340 multiplied by the appropriate average cost as
23 determined in subsection (3)(a) of this section;

24 (c) The estimated average increase of parolees due to paragraphs (a) and (b) of
25 this subsection multiplied by the average cost as determined in subsection
26 (3)(b) of this section; and

27 (d) The estimated average reduction of parolees due to parole credit for good

1 behavior as provided in KRS 439.345 multiplied by the average cost as
2 determined in subsection (3)(b) of this section.

3 (5) The following amounts shall be allocated or distributed from the estimated amount
4 of savings that would otherwise remain in the general fund:

5 (a) Twenty-five percent (25%) shall be distributed to the local corrections
6 assistance fund established by KRS 441.207;

7 (b) Fifty percent (50%) shall be distributed for the following purposes:

8 1. To the department to provide or to contract for the provision of
9 substance abuse treatment in county jails, regional jails, or other local
10 detention centers that employ evidence-based practices in behavioral
11 health treatment or medically assisted treatment for nonstate inmates
12 with opiate addiction or other substance abuse disorders;

13 2. For KY-ASAP programs operating under KRS Chapter 15A in county
14 jails or in facilities under the supervision of county jails that employ
15 evidence-based behavioral health treatment or medically assisted
16 treatment for inmates with opiate addiction or other substance abuse
17 disorders;

18 3. To KY-ASAP to provide supplemental grant funding to community
19 mental health centers for the purpose of offering additional substance
20 abuse treatment resources through programs that employ evidence-based
21 behavioral health treatment or medically assisted treatment;

22 4. To KY-ASAP to address neonatal abstinence syndrome by providing
23 supplemental grant funding to community substance abuse treatment
24 providers to offer residential treatment services to pregnant women
25 through programs that employ evidence-based behavioral health
26 treatment or medically assisted treatment;

27 5. To provide supplemental funding for traditional KY-ASAP substance

1 abuse programming under KRS Chapter 15A;

2 6. To the department for the purchase of FDA-approved medication-
 3 assisted treatment products as a component of evidence-based
 4 treatment for inmates with opioid dependence, opioid use disorder, or
 5 other substance abuse disorders, for use in substance abuse treatment
 6 programs operated or supervised by the department. In purchasing
 7 such FDA-approved products, the department shall consider products
 8 and treatments that may minimize the risk of diversion~~[To the~~
 9 ~~department for the purchase of an FDA approved extended release~~
 10 ~~treatment for the prevention of relapse to opiate dependence with a~~
 11 ~~minimum of fourteen (14) days' effectiveness with an opioid antagonist~~
 12 ~~function for use as a component of evidence based medically assisted~~
 13 ~~treatment for inmates with opiate addiction or substance abuse disorders~~
 14 ~~participating in a substance abuse treatment program operated or~~
 15 ~~supervised by the department];~~

16 7. To the Department of Public Advocacy to provide supplemental funding
 17 to the Social Worker Program for the purpose of creating additional
 18 social worker positions to develop individualized alternative sentencing
 19 plans; and

20 8. To the Prosecutors Advisory Council to enhance the use of rocket
 21 docket prosecutions in controlled substance cases; and

22 (c) In enacting the budget for the department and the judicial branch, beginning in
 23 the 2012-2014 fiscal biennium and each fiscal biennium thereafter, the
 24 General Assembly shall:

25 1. Determine the estimated amount necessary for reinvestment in:
 26 a. Expanded treatment programs and expanded probation and parole
 27 services provided by or through the department; and

1 b. Additional pretrial services and drug court case specialists
2 provided by or through the Administrative Office of the Courts;
3 and

4 2. Shall allocate and appropriate sufficient amounts to fully fund these
5 reinvestment programs.

6 (6) The amount of savings shall be estimated each year of the 2012-2014 fiscal
7 biennium, and for each year of each fiscal biennium thereafter, as specified in
8 subsection (4) of this section.

9 (7) (a) In submitting its budget request for the 2012-2014 fiscal biennium and each
10 fiscal biennium thereafter, the department shall estimate the amount of
11 savings measured under this section and shall request the amount necessary to
12 distribute or allocate those savings as provided in subsection (5) of this
13 section.

14 (b) In submitting its budget request for the 2012-2014 fiscal biennium and each
15 fiscal biennium thereafter, the judicial branch shall request the amount
16 necessary to distribute or allocate those savings as provided in subsection (5)
17 of this section.