

1 AN ACT relating to physician assistants.

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

3 ➔Section 1. KRS 202A.011 is amended to read as follows:

4 As used in this chapter, unless the context otherwise requires:

- 5 (1) "Authorized staff physician" means a physician who is a bona fide member of the
6 hospital's medical staff;
- 7 (2) "Danger" or "threat of danger to self, family, or others" means substantial physical
8 harm or threat of substantial physical harm upon self, family, or others, including
9 actions which deprive self, family, or others of the basic means of survival
10 including provision for reasonable shelter, food, or clothing;
- 11 (3) "Cabinet" means the Kentucky Cabinet for Health and Family Services;
- 12 (4) "Psychiatric facility" means a crisis stabilization unit or any facility licensed by the
13 cabinet and which provides inpatient, outpatient, psychosocial rehabilitation,
14 emergency, and consultation and education services for the diagnosis and treatment
15 of persons who have a mental illness;
- 16 (5) "Forensic psychiatric facility" means a mental institution or facility, or part thereof,
17 designated by the secretary for the purpose and function of providing inpatient
18 evaluation, care, and treatment for mentally ill persons or individuals with an
19 intellectual disability, who have been charged with or convicted of a felony;
- 20 (6) "Hospital" means:
- 21 (a) A state mental hospital or institution or other licensed public or private
22 hospital, institution, health-care facility, or part thereof, approved by the
23 Kentucky Cabinet for Health and Family Services as equipped to provide full-
24 time residential care and treatment for mentally ill persons or individuals with
25 an intellectual disability;
- 26 (b) A hospital, institution, or health-care facility of the government of the United
27 States equipped to provide residential care and treatment for mentally ill

- 1 persons or individuals with an intellectual disability;
- 2 (7) "Judge" means any judge or justice of the Court of Justice or a trial commissioner of
3 the District Court acting under authority of SCR 5.030;
- 4 (8) "Least restrictive alternative mode of treatment" means that treatment which will
5 give a mentally ill individual a realistic opportunity to improve the individual's level
6 of functioning, consistent with accepted professional practice in the least confining
7 setting available;
- 8 (9) "Mentally ill person" means a person with substantially impaired capacity to use
9 self-control, judgment, or discretion in the conduct of the person's affairs and social
10 relations, associated with maladaptive behavior or recognized emotional symptoms
11 where impaired capacity, maladaptive behavior, or emotional symptoms can be
12 related to physiological, psychological, or social factors;
- 13 (10) "Patient" means a person under observation, care, or treatment in a hospital
14 pursuant to the provisions of this chapter;
- 15 (11) "Petitioner" means a person who institutes a proceeding under this chapter;
- 16 (12) "Qualified mental health professional" means:
- 17 (a) A physician licensed under the laws of Kentucky to practice medicine or
18 osteopathy, or a medical officer of the government of the United States while
19 engaged in the performance of official duties;
- 20 (b) A psychiatrist licensed under the laws of Kentucky to practice medicine or
21 osteopathy, or a medical officer of the government of the United States while
22 engaged in the practice of official duties, who is certified or eligible to apply
23 for certification by the American Board of Psychiatry and Neurology, Inc.;
- 24 (c) A psychologist with the health service provider designation, a psychological
25 practitioner, a certified psychologist, or a psychological associate, licensed
26 under the provisions of KRS Chapter 319;
- 27 (d) A licensed registered nurse with a master's degree in psychiatric nursing from

1 an accredited institution and two (2) years of clinical experience with mentally
2 ill persons, or a licensed registered nurse, with a bachelor's degree in nursing
3 from an accredited institution, who is certified as a psychiatric and mental
4 health nurse by the American Nurses Association and who has three (3) years
5 of inpatient or outpatient clinical experience in psychiatric nursing and is
6 currently employed by a hospital or forensic psychiatric facility licensed by
7 the Commonwealth or a psychiatric unit of a general hospital or a private
8 agency or company engaged in the provision of mental health services or a
9 regional community program for mental health and individuals with an
10 intellectual disability;

11 (e) A licensed clinical social worker licensed under the provisions of KRS
12 335.100, or a certified social worker licensed under the provisions of KRS
13 335.080 with three (3) years of inpatient or outpatient clinical experience in
14 psychiatric social work and currently employed by a hospital or forensic
15 psychiatric facility licensed by the Commonwealth or a psychiatric unit of a
16 general hospital or a private agency or company engaged in the provision of
17 mental health services or a regional community program for mental health and
18 individuals with an intellectual disability;

19 (f) A marriage and family therapist licensed under the provisions of KRS 335.300
20 to 335.399 with three (3) years of inpatient or outpatient clinical experience in
21 psychiatric mental health practice and currently employed by a hospital or
22 forensic facility licensed by the Commonwealth, a psychiatric unit of a general
23 hospital, a private agency or company engaged in providing mental health
24 services, or a regional community program for mental health and individuals
25 with an intellectual disability;~~{or}~~

26 (g) A professional counselor credentialed under the provisions of KRS Chapter
27 335.500 to 335.599 with three (3) years of inpatient or outpatient clinical

1 experience in psychiatric mental health practice and currently employed by a
2 hospital or forensic facility licensed by the Commonwealth, a psychiatric unit
3 of a general hospital, a private agency or company engaged in providing
4 mental health services, or a regional community program for mental health
5 and individuals with an intellectual disability; or

6 **(h) A physician assistant licensed under KRS 311.840 to 311.862 and practicing**
7 **under a supervising physician as defined in KRS 311.840, who practices as**
8 **a qualified mental health professional;**

9 (13) "Residence" means legal residence as determined by applicable principles
10 governing conflicts of law;

11 (14) "Respondent" means a person alleged in a hearing under this chapter to be a
12 mentally ill person or an individual with an intellectual disability;

13 (15) "Secretary" means the secretary of the Cabinet for Health and Family Services.