

1 AN ACT relating to chemical dependency treatment services.

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

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

5 *(1) For purposes of this section, "voluntarily" describes the action of a resident who*  
6 *elects, of his or her own volition, to leave a facility described in subsection (2) of*  
7 *this section against medical advice and who provides notice to the facility that he*  
8 *or she intends to leave or who actually leaves the facility.*

9 *(2) Any substance use disorder program that is authorized or regulated under this*  
10 *chapter or that holds a chemical dependency treatment services license under*  
11 *KRS 222.231 and issued in accordance with KRS 216B.042, or a recovery*  
12 *residence as defined in KRS 222.500 shall, for any resident who wishes to*  
13 *voluntarily leave the treatment program, either:*

14 *(a) Obtain agreement from the resident's family member, guardian, or*  
15 *emergency contact to personally transport the resident within twenty-four*  
16 *(24) hours; or*

17 *(b) Make available transportation services.*

18 *(3) Transportation services may include providing the resident access to:*

19 *(a) A ride-sharing service and purchasing a one (1) way service to:*

20 *1. A specific address in the resident's hometown of record; or*

21 *2. The city hall in the resident's hometown of record;*

22 *(b) Public transportation, including but not limited to transporting the resident*  
23 *to the nearest commercial bus station and purchasing a ticket to the*  
24 *resident's hometown of record; or*

25 *(c) Other transportation to a safe place as determined by the facility to be*  
26 *therapeutically appropriate.*

27 *(4) The facilities described in subsection (2) of this section and law enforcement*

1 officers shall only transport residents voluntarily leaving the facility to public  
2 transportation locations, the location to meet the driver of a ride-sharing service,  
3 or other safe place as determined by the facility to be therapeutically appropriate.

4 (5) (a) If a resident required by court order to attend a treatment facility described  
5 in subsection (2) of this section leaves the facility prior to court approval or  
6 prior to completing the conditions of the court order, the treatment facility  
7 shall notify the court, county attorney, local law enforcement, and the  
8 resident's family of the resident's exit if permitted by:

9 1. The Health Insurance Portability and Accountability Act of 1996,  
10 Pub. L. No. 104-191;

11 2. 42 C.F.R. pt. 2; and

12 3. Other applicable and federal patient privacy laws.

13 (b) A probation officer or peace officer, acting on information provided by the  
14 treatment facility under paragraph (a) of this subsection, who sees the  
15 resident violate the terms of his or her conditional discharge or violate the  
16 court order shall arrest the resident without a warrant and incarcerate the  
17 resident until the judge who made the initial court order holds a hearing on  
18 the resident's violation of that court order.

19 (6) Any substance use disorder program that is authorized or regulated under this  
20 chapter or that holds a chemical dependency treatment services license under  
21 KRS 222.231 and issued in accordance with KRS 216B.042, or a recovery  
22 residence as defined in KRS 222.500 shall provide full disclosure of the specific  
23 services provided by the substance use disorder program to any potential patients  
24 and in any advertisements or other solicitations.

25 (7) A facility that does not hold a chemical dependency treatment services license  
26 under KRS 222.231 and issued in accordance with KRS 216B.042, is not a  
27 substance use disorder program that is authorized or regulated under this

1 chapter, or is not a recovery residence as defined in KRS 222.500 shall be exempt  
2 from this section.

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

5 (1) Any substance use disorder program that is authorized or regulated under this  
6 chapter or that holds a chemical dependency treatment services license under  
7 KRS 222.231 and issued in accordance with KRS 216B.042 or a recovery  
8 residence as defined in KRS 222.500 shall not recruit into their facility any out-  
9 of-state resident.

10 (2) Any substance use disorder program that is authorized or regulated under this  
11 chapter, or that holds a chemical dependency treatment services license under  
12 KRS 222.231 and issued in accordance with KRS 216B.042, or a recovery  
13 residence as defined in KRS 222.500 that violates subsection (1) of this section  
14 shall be fined:

15 (a) Two hundred fifty dollars (\$250) for a first violation;

16 (b) Five hundred dollars (\$500) for a second violation; and

17 (c) One thousand dollars (\$1,000) for a third violation and each subsequent  
18 violation with a referral to the division within the cabinet in charge of  
19 reviewing licensure.