

1 AN ACT relating to involuntary commitment.

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

3 ➔Section 1. KRS 202C.010 is amended to read as follows:

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

- 5 (1) "Cabinet" means the Kentucky Cabinet for Health and Family Services;
- 6 (2) "Commitment hearing" means the hearing under KRS 202C.040 to determine if a  
7 respondent meets the criteria for involuntary commitment under this chapter;
- 8 (3) "Danger" means substantial physical harm or threat of substantial physical harm  
9 upon self or others;
- 10 (4) "Evidentiary hearing" means the hearing under KRS 202C.030 to determine if the  
11 defendant committed the qualifying offense for which he or she was charged by a  
12 preponderance of the evidence;
- 13 (5) "Forensic psychiatric facility" means a mental institution or facility, or part thereof,  
14 designated by the secretary for the purpose and function of providing inpatient  
15 evaluation, care, and treatment for mentally ill persons or individuals with an  
16 intellectual disability who have been charged with or convicted of a felony;
- 17 (6) "Hospital" means:
- 18 (a) A state mental hospital or institution or other licensed public or private  
19 hospital, institution, health-care facility, or part thereof, approved by the  
20 cabinet~~[Kentucky Cabinet for Health and Family Services]~~ as equipped to  
21 provide full-time residential care and treatment for mentally ill persons or  
22 individuals with an intellectual disability; or
- 23 (b) A hospital, institution, or health-care facility of the government of the United  
24 States equipped to provide residential care and treatment for mentally ill  
25 persons or individuals with an intellectual disability;
- 26 (7) "Individual with an intellectual disability" means a person with significantly  
27 subaverage general intellectual functioning existing concurrently with deficits in

- 1 adaptive behavior and manifested during the developmental period;
- 2 (8) "Judge" means the judge who found the respondent incompetent to stand trial in the  
3 criminal proceeding from which the petition for involuntary commitment arose;
- 4 (9) "Less restrictive alternative mode of treatment" means a treatment given outside of  
5 a forensic psychiatric facility which would provide a respondent with appropriate  
6 treatment or care consistent with accepted professional practice standards and  
7 protect the respondent's safety and the safety of others;
- 8 (10) "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 (11) "Qualified mental health professional" means:
- 14 (a) A physician licensed under the laws of Kentucky to practice medicine or  
15 osteopathy, or a medical officer of the government of the United States while  
16 engaged in the performance of official duties;
- 17 (b) A psychiatrist 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 practice of official duties, who is certified or eligible to apply  
20 for certification by the American Board of Psychiatry and Neurology, Inc.;
- 21 (c) A psychologist with the health service provider designation, a psychological  
22 practitioner, a certified psychologist, or a psychological associate, licensed  
23 under ~~the provisions of~~ KRS Chapter 319;
- 24 (d) A licensed registered nurse with:
- 25 1. A master's degree in psychiatric nursing from an accredited institution  
26 and two (2) years of clinical experience with mentally ill persons; ~~or~~
- 27 2. ~~a licensed registered nurse, with~~ A bachelor's degree in nursing from

- 1 an accredited institution, who:
- 2 a. Is certified as a psychiatric and mental health nurse by the
- 3 American Nurses Association; ~~and who~~
- 4 b. Has three (3) years of inpatient or outpatient clinical experience in
- 5 psychiatric nursing; and
- 6 c. Is currently employed by:
- 7 i. A hospital or forensic psychiatric facility licensed by the
- 8 Commonwealth; ~~or~~
- 9 ii. A psychiatric unit of a general hospital; ~~or~~
- 10 iii. A private agency or company engaged in the provision of
- 11 mental health services; or
- 12 iv. A regional community program for mental health and
- 13 individuals with an intellectual disability;
- 14 (e) A licensed clinical social worker licensed under ~~the provisions of~~ KRS
- 15 335.100, or a certified social worker licensed under ~~the provisions of~~ KRS
- 16 335.080 with three (3) years of inpatient or outpatient clinical experience in
- 17 psychiatric social work and currently employed by a hospital or forensic
- 18 psychiatric facility licensed by the Commonwealth or a psychiatric unit of a
- 19 general hospital or a private agency or company engaged in the provision of
- 20 mental health services or a regional community program for mental health and
- 21 individuals with an intellectual disability;
- 22 (f) A marriage and family therapist licensed under ~~the provisions of~~ KRS
- 23 335.300 to 335.399 with three (3) years of inpatient or outpatient clinical
- 24 experience in psychiatric mental health practice and currently employed by a
- 25 hospital or forensic facility licensed by the Commonwealth, a psychiatric unit
- 26 of a general hospital, a private agency or company engaged in providing
- 27 mental health services, or a regional community program for mental health

1 and individuals with an intellectual disability;

2 (g) A professional counselor credentialed under ~~the provisions of~~ KRS Chapter  
3 335.500 to 335.599 with three (3) years of inpatient or outpatient clinical  
4 experience in psychiatric mental health practice and currently employed by a  
5 hospital or forensic facility licensed by the Commonwealth, a psychiatric unit  
6 of a general hospital, a private agency or company engaged in providing  
7 mental health services, or a regional community program for mental health  
8 and individuals with an intellectual disability; or

9 (h) A physician assistant licensed under KRS 311.840 to 311.862, who meets one  
10 (1) of the following requirements:

11 1. Provides documentation that he or she has completed a psychiatric  
12 residency program for physician assistants;

13 2. Has completed at least one thousand (1,000) hours of clinical experience  
14 under a supervising physician, as defined by KRS 311.840, who is a  
15 psychiatrist and is certified or eligible for certification by the American  
16 Board of Psychiatry and Neurology, Inc.;

17 3. Holds a master's degree from a physician assistant program accredited  
18 by the Accreditation Review Commission on Education for the  
19 Physician Assistant or its predecessor or successor agencies, is  
20 practicing under a supervising physician as defined by KRS 311.840,  
21 and:

22 a. Has two (2) years of clinical experience in the assessment,  
23 evaluation, and treatment of mental disorders; or

24 b. Has been employed by a hospital or forensic psychiatric facility  
25 licensed by the Commonwealth or a psychiatric unit of a general  
26 hospital or a private agency or company engaged in the provision  
27 of mental health services or a regional community program for

1                   mental health and individuals with an intellectual disability for at  
2                   least two (2) years; or

3           4.   Holds a bachelor's degree, possesses a current physician assistant  
4           certificate issued by the board prior to July 15, 2002, is practicing under  
5           a supervising physician as defined by KRS 311.840, and:

6           a.   Has three (3) years of clinical experience in the assessment,  
7           evaluation, and treatment of mental disorders; or

8           b.   Has been employed by a hospital or forensic psychiatric facility  
9           licensed by the Commonwealth or a psychiatric unit of a general  
10          hospital or a private agency or company engaged in the provision  
11          of mental health services or a regional community program for  
12          mental health and individuals with an intellectual disability for at  
13          least three (3) years;

14 (12) "Qualifying offense" means a capital offense, a Class A felony, a Class B felony  
15       resulting in death or serious physical injury, or a violation of KRS 510.040, ~~or~~  
16       510.070, **or 510.110**;

17 (13) "Respondent" means a person who was a criminal defendant found incompetent to  
18       stand trial who is or was the subject of a petition for involuntary commitment filed  
19       under KRS Chapter 504;

20 (14) "Review hearing" means any hearing conducted to determine if a respondent  
21       continues to meet the criteria for involuntary commitment after the initial order for  
22       involuntary commitment has been issued under this chapter; and

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