

1 AN ACT relating to qualified mental health professionals.

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; or
- 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;

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, who meets one
7 (1) of the following requirements:

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

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

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

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

21 b. Has been employed by a hospital or forensic psychiatric facility
22 licensed by the Commonwealth or a psychiatric unit of a general
23 hospital or a private agency or company engaged in the provision
24 of mental health services or a regional community program for
25 mental health and individuals with an intellectual disability for at
26 least two (2) years; or

27 4. Holds a bachelor's degree, possesses a current physician assistant

1 certificate issued by the board prior to July 15, 2002, is practicing under
2 a supervising physician as defined by KRS 311.840, and:

- 3 a. Has three (3) years of clinical experience in the assessment,
4 evaluation, and treatment of mental disorders; or
- 5 b. Has been employed by a hospital or forensic psychiatric facility
6 licensed by the Commonwealth or a psychiatric unit of a general
7 hospital or a private agency or company engaged in the provision
8 of mental health services or a regional community program for
9 mental health and individuals with an intellectual disability for at
10 least three (3) years; or

11 (i) A pharmacist licensed under KRS Chapter 315 who is board certified as a
12 psychiatric pharmacist by the Board of Pharmacy Specialties division of the
13 American Pharmacists Association and who meets the following minimum
14 requirements for the psychiatric pharmacy specialty certification:

15 1. Graduation from a pharmacy program accredited by the Accreditation
16 Council for Pharmacy Education or a program outside the United
17 States that qualifies the individual to practice in psychiatric
18 pharmacy;

19 2. Demonstration of practice experience in one (1) of the following three
20 (3) ways:

21 a. Four (4) years of practice experience, within the past seven (7)
22 years prior to the application date for psychiatric pharmacy
23 specialty certification, that includes fifty percent (50%) or more
24 of that experience spent practicing in the domains described in
25 the Psychiatric Pharmacy Content Outline;

26 b. Completion of a residency program accredited by the American
27 Society of Health-System Pharmacists (ASHP) and completed by

1 the applicant within the past seven (7) years or a new residency
2 program granted "candidate status" for accreditation by ASHP;
3 plus two (2) additional years of practice experience as a licensed
4 pharmacist that includes fifty percent (50%) or more of that
5 experience spent practicing in the domains described in the
6 Psychiatric Pharmacy Content Outline; or

7 c. Completion of a specialty residency in psychiatric pharmacy that
8 is within the past seven (7) years prior to the application date for
9 psychiatric pharmacy specialty certification; and

10 3. Achieving a passing score on the Psychiatric Pharmacy Specialty
11 Certification Examination;

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

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

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