

SB 71 -- Redline

Current/Final to Acts Chapter 68 -- AN ACT relating to health services.

Deletions ~~struck~~ · Insertions underlined

~~UNOFFICIAL CHAPTER COPY 68 241 RS~~ CHAPTER 68 (SB 71/EN 71) AN ACT relating to health services.

(3) The facilities described in subsection (1) of this section and law enforcement officers shall only transport residents leaving the facility to public transportation locations, the location to meet the driver of a ~~ride-sharing~~ ride-sharing service, or other safe place as determined by the facility to be therapeutically appropriate.

(4) (a) If a resident required by court order to attend a treatment facility described ~~Page 1 of 22 SB007120.100 - 1435 - XXXX 3/27/2024 4:38 PM Engrossed UNOFFICIAL COPY 24 RS SB 71/EN~~ in subsection (1) of this section leaves the facility prior to court approval or prior to completing the conditions of the court order, the treatment facility shall notify the court, Commonwealth's or county attorney, local law enforcement, and emergency contact or court-designated individual of the resident's exit if permitted by:

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?SECTION 2.

Legislative Research Commission PDF Version ACTS OF THE GENERAL ASSEMBLY (1) To the extent allowed by federal law, any substance use disorder program that is authorized or regulated under this chapter or holds a chemical dependency treatment services license under KRS 222.231 that was issued in accordance with KRS 216B.042, or a recovery residence as defined in KRS 222.500, shall:

(4) All enforcement actions for fines assessed under this section shall be brought on ~~Page 3 of 22 SB007120.100 - 1435 - XXXX 3/27/2024 4:38 PM Engrossed UNOFFICIAL COPY 24 RS SB 71/EN~~ behalf of the Commonwealth by the Office of the Attorney General, and shall be filed in the county where the violation occurred or in Franklin Circuit Court.

and ~~Page 4 of 22 SB007120.100 - 1435 - XXXX 3/27/2024 4:38 PM Engrossed UNOFFICIAL COPY 24 RS SB 71/EN~~
2.

and CHAPTER 68 3 4.

(4) By January 1, 2025, the cabinet shall promulgate regulations in accordance with ~~Page 5 of 22 SB007120.100 - 1435 - XXXX 3/27/2024 4:38 PM Engrossed UNOFFICIAL COPY 24 RS SB 71/EN~~ KRS Chapter 13A to require a treatment program or a premise, place, or building that holds itself out as a treatment program for recovery from the use of intoxicating substances to clearly and conspicuously provide full disclosure of the specific services provided by the treatment program to any potential residents and in any advertisements or other solicitations.

220(b), as amended, or federal regulations promulgated under that section, shall ~~Page 6 of 22 SB007120.100 - 1435 - XXXX 3/27/2024 4:38 PM Engrossed UNOFFICIAL COPY 24 RS SB 71/EN~~ not be deemed to violate this section and the conduct or activity shall be afforded the same protections allowed under federal law and regulation.

Legislative Research Commission PDF Version ACTS OF THE GENERAL ASSEMBLY (b) "Qualified treatment program" has the same meaning as in Section 3 of this Act;

(3) Upon entry of the order, the defendant, the department, or the defendant's retained counsel shall ensure that a needs assessment is conducted within ~~forty-eight~~ forty-eight (48) hours, or as soon thereafter as practicable, by an alternative sentencing worker, or, upon consent and request of counsel, a qualified health professional as defined in KRS 222.005.

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(a) After the assessment, a release plan shall be developed and submitted to the court and Commonwealth's or county attorney as soon as practicable.

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Developing and promulgating standards and administrative regulations, rules, and procedures for administration of the defense of indigent defendants in criminal cases that the public advocate, statutes, or the courts determine are subject to public assistance;

CHAPTER 68 5 (8) Being authorized to purchase liability insurance for the protection of all full-time public advocates, deputy public advocates, and assistant public advocates to protect them from liability for malpractice arising in the course or scope of employment and for the protection of attorneys with whom the Department of Public Advocacy ~~Page 9 of 22 SB007120.100 - 1435 - XXXX 3/27/2024 4:38 PM Engrossed UNOFFICIAL COPY 24 RS SB 71/EN~~ contracts to protect them from liability for malpractice arising in the course or scope of the contract;

(10) Being authorized to assign an attorney, including a conflict attorney under a plan, for good cause, at any stage of representation, including trial, appeal, or other ~~post-post-conviction-conviction~~ or post-disposition proceeding, including discharge revocation hearings, preliminary parole revocation hearings, and conditional discharge revocation hearings, regardless of whether the hearings are

conducted by constitutional judges or executive branch administrative law judges;

(13) (a) Within sixty (60) days of the end of each fiscal year, the department shall submit to the cabinet and the Legislative Research Commission for referral to the Interim Joint Committees on Judiciary and Families and Children a ~~Page 10 of 22 SB007120.100 - 1435 - XXXX 3/27/2024 4:38 PM Engrossed UNOFFICIAL COPY 24 RS SB 71/EN~~ report detailing:

~~Page 11 of 22 SB007120.100 - 1435 - XXXX 3/27/2024 4:38 PM Engrossed UNOFFICIAL COPY 24 RS SB 71/EN~~ (2) The secretary shall, by administrative regulations, prescribe the conditions of eligibility for public assistance in conformity with the public assistance titles of the Social Security Act, its amendments, and other federal acts and regulations.

In no instance shall grants to Legislative Research Commission PDF Version ACTS OF THE GENERAL ASSEMBLY families with no income be less than the appropriate grant maximum used for public assistance under Title ~~IV-AIV-~~ A of the Federal Social Security Act.

(7) No person shall be eligible for public assistance payments if, after having been determined to be potentially responsible, and afforded notice and opportunity for ~~Page 12 of 22 SB007120.100 - 1435 - XXXX 3/27/2024 4:38 PM Engrossed UNOFFICIAL COPY 24 RS SB 71/EN~~ hearing, he or she refuses without good cause:

(b) This subsection shall not apply to any individual who is a resident of an assisted living community as defined in KRS 194A.700 or to a long-term care facility as defined in KRS 216A.010 or hospital licensed under KRS Chapter ~~Page 13 of 22 SB007120.100 - 1435 - XXXX 3/27/2024 4:38 PM Engrossed UNOFFICIAL COPY 24 RS SB 71/EN~~ 216B that is using self-attestation to determine presumptive eligibility.

CHAPTER 68 7 (a) Shall through any means practical, including but not limited to garnishment of future cash assistance benefits, seek recoupment from the individual of any cash benefits trafficked, sold, distributed, given, or otherwise transferred;

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(a) Notwithstanding any other provision of Kentucky law, the following shall be disregarded for the purposes of determining an individual's eligibility for a means-tested public assistance program, and the amount of assistance or benefits the individual is eligible to receive under the program:

(b) An individual may rebut the sole intention of paragraph (a) of this ~~Page 15 of 22 SB007120.100 - 1435 - XXXX 3/27/2024 4:38 PM Engrossed UNOFFICIAL COPY 24 RS SB 71/EN~~ subsection by showing proof of residency.

Legislative Research Commission PDF Version ACTS OF THE GENERAL ASSEMBLY (5) "Forensic psychiatric facility" means a mental institution or facility, or part thereof, designated by the secretary for the purpose and function of providing inpatient evaluation, care, and treatment for mentally ill persons or individuals with an intellectual disability, who have been charged with or convicted of a felony;

(a) A state mental hospital or institution or other licensed public or private hospital, institution, health-care facility, or part thereof, approved by the Kentucky Cabinet for Health and Family Services as equipped to provide ~~full-full-time-time~~ residential care and treatment for mentally ill persons or individuals with an intellectual disability;

or ~~Page 16 of 22 SB007120.100 - 1435 - XXXX 3/27/2024 4:38 PM Engrossed UNOFFICIAL COPY 24 RS SB 71/EN~~

(b) A hospital, institution, or health-care facility of the government of the United States equipped to provide residential care and treatment for mentally ill persons or individuals with an intellectual disability;

(c) A psychologist with the health service provider designation, a psychological practitioner, a certified psychologist, or a psychological associate, licensed ~~Page 17 of 22 SB007120.100 - 1435 - XXXX 3/27/2024 4:38 PM Engrossed UNOFFICIAL COPY 24 RS SB 71/EN~~ under the provisions of KRS Chapter 319;

~~Page 18 of 22 SB007120.100 - 1435 - XXXX 3/27/2024 4:38 PM Engrossed UNOFFICIAL COPY 24 RS SB 71/EN~~ CHAPTER 1868 of 9 ~~Page 19 of 22 SB007120.100 - 1435 - XXXX 3/27/2024 4:38 PM Engrossed UNOFFICIAL COPY 24 RS SB 71/EN~~ (g) A professional counselor credentialed under the provisions of KRS Chapter 335.500 to 335.599

with three (3) years of inpatient or outpatient clinical experience in psychiatric mental health practice and currently employed by a hospital or forensic facility licensed by the Commonwealth, a psychiatric unit of a general hospital, a private agency or company engaged in providing mental health services, or a regional community program for mental health and individuals with an intellectual disability;

Has been employed by a hospital or forensic psychiatric facility licensed by the Commonwealth or a psychiatric unit of a general hospital or a private agency or company engaged in the provision of mental health services or a regional community program for mental health and individuals with an intellectual disability for at ~~Page 19 of 22 SB007120.100 - 1435 - XXXX 3/27/2024 4:38 PM Engrossed UNOFFICIAL COPY 24 RS SB 71/EN~~ least two (2) years;

(1) Any peace officer who has reasonable grounds to believe that an individual is mentally ill and presents a danger or threat of danger to self, family, or others if not restrained may[shall] take the individual into custody and transport the individual without unnecessary delay to a hospital or psychiatric facility designated by the ~~Page 20 of 22 SB007120.100 - 1435 - XXXX 3/27/2024 4:38 PM Engrossed UNOFFICIAL COPY 24 RS SB 71/EN~~ cabinet for the purpose of an evaluation to be conducted by a contract mental health evaluator[qualified mental health professional].

If, after evaluation, the contract mental health evaluator[qualified mental health professional] finds that the person meets the criteria for involuntary Legislative Research Commission PDF Version ACTS OF THE GENERAL ASSEMBLY hospitalization, appropriate proceedings under this chapter shall be initiated.

(3)[(2)] If, after the evaluation, the contract mental health evaluator[qualified mental health professional] finds that the person does not meet the criteria for involuntary hospitalization and the peace officer has probable cause to believe that the person has committed a criminal offense, the peace officer may swear out a warrant and ~~Page 21 of 22 SB007120.100 - 1435 - XXXX 3/27/2024 4:38 PM Engrossed UNOFFICIAL COPY 24 RS SB 71/EN~~ take the arrested person without unnecessary delay before a judge.

~~Page Signed 22 by of Governor 22 April SB007120.1004, -2024. -1435 - XXXX 3/27/2024 4:38 PM Engrossed~~