

KENTUCKY EMERGENCY REGULATIONS CREATE TWO NEW LICENSES FOR HEALTH FACILITIES

On Wednesday, July 15, Governor Beshear filed emergency regulations establishing new health facility licensure categories called "behavioral health services organizations" and "residential crisis stabilization units." Beshear states that these new health facility licenses will increase Kentuckians' access to mental health treatment and will help them avoid higher levels of care.

902 KAR 20:430E establishes minimum licensure requirements for behavioral health services organizations that provide services necessary to treat, support and encourage individuals with a substance use disorder, mental health disorder or co-occurring disorder. The regulation sets out the qualifications necessary for the facility's key positions, the types of services that must be offered by the facility and guidelines for protecting patient data. Behavioral health services organizations are exempt from the certificate of need process in Kentucky.

The regulation was created so that clinical behavioral health services entities could gain licensure and enroll in the Kentucky Medicaid Program for reimbursement. Additionally, the new regulation will expand the number of behavioral health services providers available for Medicaid recipients. The Cabinet for Health and Family Services expects 50 to 75 applicants during the first year of enrollment under the statute.

902 KAR 20:440E establishes requirements for facilities desiring licensure as a residential crisis stabilization unit. The units are residential facilities designed to serve at-risk children or children with severe emotional disabilities, at-risk adults or adults with mental illness, or individuals with substance use or co-occurring disorders. The state believes these programs and the array of services they offer will help stabilize individuals and divert them from placement in a facility providing a higher level of care. The new regulation expands access to these services to Medicaid recipients and allows providers access to reimbursement through state Medicaid funds. Residential crisis stabilization units are still subject to Kentucky's certificate of need requirements and must be reviewed prior to applying for licensure.

Application for licensure as either organization will be made available to the public on August 1.

If you have any questions, please contact:

- René Savarise at rsavarise@hallrender.com;
- Colleen McKinley at cmckinley@hallrender.com; or
- Your regular Hall Render attorney.

This post was created with assistance from Patrick C. Walsh, law clerk.