

202A.202 Transfer of mentally ill or mentally retarded patients between facilities.

- (1) The cabinet may transfer mentally ill or mentally retarded patients between hospitals, between hospitals and forensic psychiatric facilities, between hospitals and mental retardation residential treatment centers, between mental retardation residential treatment centers, and between mental retardation residential treatment centers and forensic psychiatric facilities. A transfer shall be made upon the mutual agreement of the administrative officer, the officer's designated representative or an authorized staff physician of each facility, if the agreement is based upon one (1) of the following findings by the officers, representatives or physicians:
 - (a) That the transfer will improve the opportunities of the patient to receive care and treatment most likely to be of benefit to the patient;
 - (b) That the transfer will permit the patient to receive care and treatment in the least restrictive alternative mode of treatment, considering the degree of danger or threat of danger to self or others which the patient presents; or
 - (c) That the transfer is part of an individual treatment plan which has been reviewed and approved by a court.
- (2) The patient or his guardian or designated family member prior to transfer, shall receive notice of said proposed transfer and shall be allowed to challenge the transfer as part of his individual treatment plan under the provisions of KRS 202A.191, 202A.196, and KRS 210.270.
- (3) In an emergency situation where the patient presents a danger of serious injury or death to self or others within the institution so as to require immediate transfer to a more secure facility and which condition cannot be treated or resolved within a reasonable period of time in the present facility, the secretary may immediately transfer the patient to a more secure facility while the appeal provisions described in subsection (2) of this section are being carried out. In this event counsel shall be provided to the patient within three (3) days.

Effective: July 15, 1988

History: Created 1988 Ky. Acts ch. 139, sec. 10, effective July 15, 1988.