

222.231 Licensing of treatment programs -- Administrative regulations regarding standards -- Revocation or suspension.

- (1) The cabinet shall issue for a term of one (1) year, and may renew for like terms, a license, subject to revocation by it for cause, to any persons, other than an alcohol and other drug abuse program that has been issued a license by the cabinet entitled "Chemical Dependency Treatment Services" pursuant to KRS 216B.105 or a department, agency, or institution of the federal government, deemed by it to be responsible and suitable to establish and maintain a program and to meet applicable licensure standards and requirements.
- (2) The cabinet shall promulgate administrative regulations pursuant to KRS Chapter 13A establishing requirements and standards for licensing agencies and approving programs. The requirements and standards shall include:
 - (a) The health and safety standards to be met by a facility housing a program;
 - (b) Patient care standards and minimum operating, training, and maintenance of patient records standards;
 - (c) Licensing fees, application, renewal and revocation procedures, and the procedures for evaluation of the alcohol and other drug abuse programs; and
 - (d) Classification of alcohol and other drug abuse programs according to type, range of services, and level of care provided.
- (3) The cabinet may establish different requirements and standards for different kinds of programs, and may impose stricter requirements and standards in contracts with agencies made pursuant to KRS 222.221.
- (4) Each agency shall be individually licensed or approved.
- (5) Each agency shall file with the cabinet from time to time, the data, statistics, schedules, or information the cabinet may reasonably require for the purposes of this section.
- (6) The cabinet shall have authority to deny, revoke, modify, or suspend a license in any case in which it finds that there has been a substantial failure to comply with the provisions of this chapter or the administrative regulations promulgated thereunder. The denial, revocation, modification, or suspension shall be effected by mailing to the applicant or licensee, by certified mail, a notice setting forth the particular reasons for the action. The denial, revocation, modification, or suspension shall become final and conclusive thirty (30) days after notice is given, unless the applicant or licensee, within this thirty (30) day period, shall file a request in writing for a hearing before the cabinet.
- (7) The cabinet, after holding a hearing conducted by a hearing officer appointed by the secretary and conducted in accordance with KRS Chapter 13B, may refuse to grant, suspend, revoke, limit, or restrict the applicability of or refuse to renew any agency license or approval of programs for any failure to meet the requirements of its administrative regulations or standards concerning a licensed agency and its program. A petition for judicial review shall be made to the Franklin Circuit Court in accordance with KRS Chapter 13B.

- (8) No person, excepting an alcohol and other drug abuse program that has been issued a license by the cabinet entitled "Chemical Dependency Treatment Services" pursuant to KRS 216B.105 or a department, agency, or institution of the federal government, shall operate a program without a license pursuant to this section.
- (9) Each program operated by a licensed agency shall be subject to visitation and inspection by the cabinet and the cabinet shall inspect each agency prior to granting or renewing a license. The cabinet may examine the books and accounts of any program if it deems the examination necessary for the purposes of this section.
- (10) The director may require agencies which contract with the Commonwealth pursuant to KRS 222.221 to admit as an inpatient or outpatient any person to be afforded treatment pursuant to this chapter, subject to service and bed availability and medical necessity.
- (11) The cabinet shall promulgate administrative regulations pursuant to KRS Chapter 13A governing the extent to which programs may be required to treat any person on an inpatient or outpatient basis pursuant to this chapter, except that no licensed hospital with an emergency service shall refuse any person suffering from acute alcohol or other drug intoxication or severe withdrawal syndrome from emergency medical care.
- (12) All narcotic treatment programs shall be licensed under this section prior to operation. The cabinet shall promulgate administrative regulations pursuant to KRS Chapter 13A to establish additional standards of operation for narcotic treatment programs. The administrative regulations shall include minimum requirements in the following areas:
 - (a) Compliance with relevant local ordinances and zoning requirements;
 - (b) Submission of a plan of operation, including memoranda of agreement which reflect supportive services from local hospitals, law enforcement agencies, correctional facilities, community mental health and mental retardation agencies, and other alcohol and drug abuse services in the community;
 - (c) Criminal records checks for employees of the narcotic treatment program. Narcotic treatment programs shall not employ any person convicted of a crime involving a controlled substance as defined in KRS Chapter 218A;
 - (d) Conditions under which clients are permitted to take home doses of medications;
 - (e) Urine screening requirements;
 - (f) Quality assurance procedures;
 - (g) Program sponsor requirements;
 - (h) Qualifications for the medical director for a narcotic treatment program, who at a minimum shall:
 1. Be a licensed physician pursuant to KRS Chapter 311 and function autonomously within the narcotic treatment program; and

2. Be a board eligible psychiatrist licensed to practice in Kentucky and have three (3) years' documented experience in the provision of services to persons who are addicted to alcohol or other drugs; or
 3. Be a physician licensed pursuant to KRS Chapter 311 and certified as an addictionologist by the American Society of Addiction Medicine.
- (i) Security and control of narcotics and medications;
 - (j) Program admissions standards;
 - (k) Treatment protocols;
 - (l) Treatment compliance requirements for program clients;
 - (m) Rights of clients; and
 - (n) Monitoring of narcotic treatment programs by the cabinet.

Effective: July 13, 2004

History: Amended 2004 Ky. Acts ch. 116, sec. 12, effective July 13, 2004. -- Amended 1996 Ky. Acts ch. 242, sec. 2, effective July 15, 1996; and ch. 318, sec. 135, effective July 15, 1996. -- Created 1994 Ky. Acts ch. 334, sec. 4, effective July 15, 1994.