

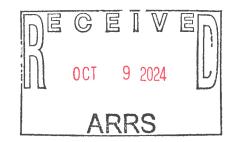
Andy Beshear GOVERNOR

## **CABINET FOR HEALTH AND FAMILY SERVICES**

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October 9, 2024



Ms. Emily Caudill, Regulations Compiler Legislative Research Commission 083, Capitol Annex 702 Capitol Avenue Frankfort, Kentucky 40601

Re: 907 KAR 1:044. Coverage provisions and requirements regarding community mental health center behavioral health services.

Dear Regulations Compiler:

After discussions with various stakeholders of the issues raised by 907 KAR 1:044, the Department for Medicaid Services proposes the attached agency amendment to 907 KAR 1:044.

If you have any questions, please feel free to contact Jonathan Scott, Regulatory and Legislative Advisor with the Department for Medicaid Services at (502) 564-4321 ext. 2015.

Sincerely,

**Stacy Carey** 

**Executive Staff Advisor** 

Stacy Carey

Office of Legislative and Regulatory Affairs





#### 10/3//2024

## Agency Amendment

### **CABINET FOR HEALTH AND FAMILY SERVICES**

# Department for Medicaid Services Division of Health Care Policy

907 KAR 1:044. Coverage provisions and requirements regarding community mental health center behavioral health services.

Page 1
Section 1(1)
Line 20
Before "an independently" insert "a"
Delete "an independently".

Page 2 Section 1(1)(l) Line 12

After "counselor;" insert "or".

Page 2 Section 1(1)(m) Line 13-14

After "analyst;" delete the following:

or

(n) A behavioral health associate

Page 2 Section 2(2)(a)1. Lines 18-19 Delete

working under the supervision of a board-approved licensed psychologist

Page 2 Section 2(2)(a)2. Lines 20-21 Delete

working under the supervision of a board-approved licensed psychologist

Page 3
Section 1(4)(b)
Line 15
After "Who" insert the following:

1. Does not render a diagnosis;

After "outpatient services;" insert the following:

- 3. Complies with any relevant scope of practice guidelines or administrative regulations issued by the relevant licensing board; and
- 4. Provides services that are based upon a treatment plan created and approved by an approved behavioral health practitioner or an approved behavioral health practitioner under supervision;

Page 3

Section 1(4)(c)

Line 16

After "(c)" insert "After January 1, 2026,"

Page 3

Section 1(4)(c)1.b.

**Lines 22-23** 

After "Who" insert the following:

i. Has been accepted and is continuously enrolled, except for a leave of absence that complies with the educational institution's applicable policy, in an accredited educational institution's program that complies with subparagraph a. of this paragraph; and

<u>ii.</u> Is certified or attested by the employer and a licensed provider employed by the employer to meet the criteria of this subsection

Delete:

is currently participating in an internship or practicum program as part of an accredited educational institution

Page 4

Section 1(4)(c)1.b.

Line2

After "narcotic treatment program;" insert the following:

01

3. Who:

a. Has graduated from an accredited educational institution's program that complies with paragraph 1.a.;

b. Has applied for licensure with the relevant licensing board, provided that the time limits established in paragraph (h) have not been exceeded; and

c. Is continuing service as a behavioral health associate with the same provider as established in paragraph (h) of this subsection.

Page 4

Section 1(4)(g)

Lines 11-12

Delete the following:

Who does not render a diagnosis for a client;

(h)

#### Page 4

Section 1(4)(h)

Line 12

After "no longer than" insert a colon, and create a new clause "a."

After "Five (5) years" insert the following:

if enrolled in a master's level program that requires less than sixty (60) hours to be eligible for graduation;

- b. Six (6) years if enrolled in a master's level program that requires sixty (60) or more hours to be eligible for graduation; or
- c. Ten (10) years if enrolled directly in a doctoral program that does not require a master's degree prior to matriculation;

Page 4

Section 1(4)(h)

Line 13

Delete "and".

Page 4

Section 1(4)(i)

Line 14

Before "(i)" insert "(h)", delete "(i)".

Page 5

**Section 1(4)(i)8.** 

Line 2

After "the department" insert the following:

; and

- (i) Who undergoes an initial employment training program documented in the employee's file that includes the following:
  - 1. An initial training and orientation program of at least fifteen (15) hours;
- 2. Prior to being eligible to perform a billable service, twenty (20) hours of direct observation of an approved behavioral health practitioner employee at the time that the approved behavioral health practitioner employee is performing a reimbursable covered service; and
- 3. Twenty (20) hours of direct clinical supervision by a licensed practitioner employee when performing a covered service reimbursable by an approved behavioral health practitioner during the first three (3) months of employment as a behavioral health associate.

Page 14

Section 7(7)(b)

Line 1

After "the following", insert ", for covered services only".

Page 14 Section 7(7)(d) Line 16

Before "A billing" insert the following:

No later than January 1, 2026,

After "co-signature on" insert "

at least ten (10) percent of all covered service notes

Delete "the service note".

Page 19 Section 13(1) Line 14

Before "November 2023" insert "October 2024" Delete "November 2023".

# Behavioral Health Services Manual for Community Mental Health Centers

The material is updated to include a reference to the current month. In addition, crisis continuum of care services are removed to reflect the department's withdrawal of regulations related to that subject. In addition, a reference to behavioral health associates is updated to reference the current administrative regulation. The material is also updated to better refence temporary licensure requirements for individuals practicing in a narcotic treatment program. Finally, two typos are corrected.