

**216B.455 Certificate-of-need requirement for Level I psychiatric residential treatment facilities -- Licensure -- Certification -- Restriction on location -- Restriction on number of beds -- Care and services for persons discharged from Level I and Level II facilities.**

- (1) A certificate of need shall be required for all Level I psychiatric residential treatment facilities. The application for a certificate of need shall include formal written agreements of cooperation that identify the nature and extent of the proposed working relationship between the proposed Level I psychiatric residential treatment facility and each of the following agencies, organizations, or facilities located in the service area of the proposed facility:
  - (a) Regional interagency council for children with emotional disability or severe emotional disability as defined in KRS 200.509;
  - (b) Department for Community Based Services;
  - (c) Local school districts;
  - (d) At least one (1) psychiatric hospital; and
  - (e) Any other agency, organization, or facility deemed appropriate by the cabinet.
- (2) Notwithstanding provisions for granting of a nonsubstantive review of a certificate of need application under KRS 216B.095, the cabinet shall review and approve the nonsubstantive review of an application seeking to increase the number of beds as permitted by KRS 216B.450 if the application is submitted by an eight (8) bed or sixteen (16) bed Level I psychiatric residential treatment facility licensed and operating or holding an approved certificate of need on July 13, 2004. The cabinet shall base its approval of expanded beds upon the Level I psychiatric residential treatment facility's ability to meet standards designed by the cabinet to provide stability of care. The standards shall be promulgated by the cabinet in an administrative regulation in accordance with KRS Chapter 13A. An application under this subsection shall not be subject to any moratorium relating to certificate of need.
- (3) All Level I psychiatric residential treatment facilities shall comply with the licensure requirements as set forth in KRS 216B.105.
- (4) All Level I psychiatric residential treatment facilities shall be certified by the Joint Commission on Accreditation of Healthcare Organizations, or the Council on Accreditation of Services for Families and Children, or any other accrediting body with comparable standards that is recognized by the state.
- (5) A Level I psychiatric residential treatment facility shall not be located in or on the grounds of a psychiatric hospital. More than one (1) freestanding Level I psychiatric residential treatment facility may be located on the same campus that is not in or on the grounds of a psychiatric hospital.
  - (6) The total number of Level I psychiatric residential treatment facility beds shall not exceed three hundred and fifteen (315) beds statewide.
- (7) (a) The Cabinet for Health and Family Services shall investigate the need for specialty foster care and post-treatment services for persons discharged from Level I and Level II psychiatric residential treatment facilities.

- (b) The cabinet shall report to the Governor and the Legislative Research Commission by August 1, 2011, detailing information on specialty foster care and post-treatment services for persons discharged from Level I and Level II psychiatric residential treatment facilities.

**Effective:** July 15, 2010

**History:** Amended 2010 Ky. Acts ch. 7, sec. 2, effective July 15, 2010. -- Amended 2005 Ky. Acts ch. 99, sec. 511, effective June 20, 2005; and ch. 126, sec. 1, effective June 20, 2005. -- Amended 2004 Ky. Acts ch. 132, sec. 2, effective July 13, 2004. -- Amended 2000 Ky. Acts ch. 14, sec. 48, effective July 14, 2000; and ch. 318, sec. 4, effective July 14, 2000. -- Amended 1996 Ky. Acts ch. 371, sec. 59, effective July 15, 1996. -- Amended 1994 Ky. Acts ch. 512, Part 7, sec. 45, effective July 15, 1994. -- Created 1992 Ky. Acts ch. 332, sec. 2, effective April 9, 1992.