



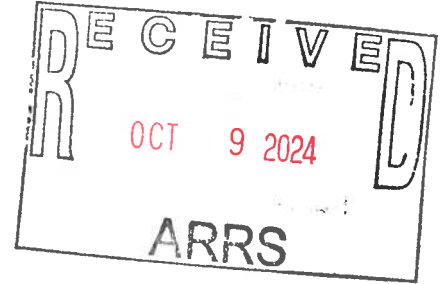
**Andy Beshear**  
GOVERNOR

## CABINET FOR HEALTH AND FAMILY SERVICES

**Eric Friedlander**  
SECRETARY

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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 15:005. Definitions for 907 KAR Chapter 15.

Dear Regulations Compiler:

After discussions with various stakeholders of the issues raised by 907 KAR 15:005, the Department for Medicaid Services proposes the attached agency amendment to 907 KAR 15:005.

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  
Office of Legislative and Regulatory Affairs



9/30/2024  
Agency Amendment  
**CABINET FOR HEALTH AND FAMILY SERVICES**  
Department for Medicaid Services  
Division of Health Care Policy

**907 KAR 15:005. Definitions for 907 KAR Chapter 15.**

**Page 1**

**Section 1(1)**

**Lines 18-21**

After “(1)” delete lines 18 through 21 in their entirety.

**Page 2**

**Section 1(1)**

**Lines 1-11**

Delete lines 1 through 11 in their entirety.

**Page 2**

**Section 1(2)**

**Line 12**

Delete “(2)”.

**Page 2**

**Section 1(3)**

**Line 14**

Before “(3)” insert “(2)”

Delete “(3)”.

**Page 2**

**Section 1(4)**

**Line 15**

Before “(4)” insert “(3)”

Delete “(4)”.

Before “an independently” insert “a”

Delete “an independently”.

**Page 3**

**Section 1(5)**

**Line 7**

Before “(5)” insert “(4)”

Delete “(5)”.

**Page 3**

**Section 1(5)**

**Lines 10-11**

Delete

working under the supervision of a board-approved licensed psychologist

**Page 3**

**Section 1(5)**

**Lines 10-11**

Delete

working under the supervision of a board-approved licensed psychologist

**Page 4**

**Section 1(6)**

**Line 1**

Before “(6)” insert “(5)”

Delete “(6)”.

**Page 4**

**Section 1(7)**

**Line 4**

Before “(7)” insert “(6)”

Delete “(7)”.

**Page 4**

**Section 1(7)**

**Line 6**

After “Who” insert the following:

⋮  
1. Does not render a diagnosis;

2.

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 4**

**Section 1(7)**

**Line 7**

After “(c)” insert “After January 1, 2026,”

**Page 4**

**Section 1(7)(c)1.b.**

**Line 13-14**

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

ii. 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(7)**

**Line 16**

After "narcotic treatment program;" insert the following:

or

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 5**

**Section 1(7)**

**Lines 3-4**

Delete the following:

Who does not render a diagnosis for a client;

(h)

**Page 5**

**Section 1(7)**

**Line 4**

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 5**

**Section 1(7)**

**Line 5**

Delete “and”.

**Page 5**

**Section 1(7)**

**Line 6**

Before “(i)” insert “(h)”, delete “(i)”.

**Page 5**

**Section 1(7)**

**Line 17**

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 5**

**Section 1(8)**

**Lines 18-19**

Delete lines 18 through 19 in their entirety.

**Page 5**

**Section 1(9)**

**Line 20**

Before “(9)” insert “(7)”

Delete “(7)”.

**Page 6**

**Section 1(10)**

**Line 2**

Before “(10)” insert “(8)”

Delete “(10)”.

**Page 6**

**Section 1(11)**

**Lines 7-9**

Delete lines 7 through 9 in their entirety.

**Page 6**

**Section 1(12)**

**Line 10**

Before “(12)” insert “(9)”

Delete “(12)”.

**Page 6**

**Section 1(12)**

**Line 10**

After “an entity that” insert a colon; and before “is licensed as” insert “(a)” and begin a new paragraph .

**Page 6**

**Section 1(12)(a)**

**Line 12**

Before “(a)” insert “1.”

Delete “(a)”.

**Page 6**

**Section 1(12)**

**Line 13**

Before “(b)” insert “2.”

Delete “(b)”.

**Page 6**

**Section 1(12)**

**Line 15**

Before “(c)” insert “3.”

Delete “(c)”.

**Page 6**

**Section 1(12)**

**Line 16**

After “(BHSO III)” insert the following:

; and

(b) Is allowed to utilize occupational therapists practicing pursuant to 907 KAR 8:010 providing services within their scope of licensure to a recipient within a BHSO I, or II and who are billing pursuant to their existing fee schedule established pursuant to 907 KAR 8:015.

**Page 6**

**Section 1(13)**

**Lines 17-23**

Delete lines 17 through 23 in their entirety.

**Page 7**

**Section 1(13)**

**Lines 1-3**

Delete lines 1 through 3 in their entirety.

**Page 7**

**Section 1(14)**

**Line 4**

Before "(14)" insert "(10)"

Delete "(14)".

**Page 7**

**Section 1(15)**

**Line 9**

Before "(15)" insert "(11)"

Delete "(15)".

**Page 8**

**Section 1(16)**

**Line 10**

Before "(16)" insert "(12)"

Delete "(16)".

**Page 8**

**Section 1(17)**

**Line 11**

Before "(17)" insert "(13)"

Delete "(17)".

**Page 8**

**Section 1(18)**

**Line 13**

Before "(18)" insert "(14)"

Delete "(18)".

**Page 8**

**Section 1(19)**

**Line 15**

Before "(19)" insert "(15)"

Delete "(19)".

**Page 8**

**Section 1(20)**

**Line 17**



Before “(20)” insert “(16)”  
Delete “(20)”.

**Page 8**

**Section 1(21)**

**Lines 19-21**

Delete lines 19 through 21 in their entirety.

**Page 8**

**Section 1(22)**

**Line 22**

Before “(22)” insert “(17)”  
Delete “(22)”.

**Page 9**

**Section 1(23)**

**Line 1**

Before “(23)” insert “(18)”  
Delete “(23)”.

**Page 9**

**Section 1(24)**

**Line 2**

Before “(24)” insert “(19)”  
Delete “(24)”.

**Page 9**

**Section 1(25)**

**Line 3**

Before “(25)” insert “(20)”  
Delete “(25)”.

**Page 9**

**Section 1(26)**

**Line 4**

Before “(26)” insert “(21)”  
Delete “(26)”.

**Page 9**

**Section 1(27)**

**Line 5**

Before “(27)” insert “(22)”  
Delete “(27)”.

**Page 9**

**Section 1(28)**

**Line 6**

Before “(28)” insert “(23)”  
Delete “(28)”.

**Page 9**

**Section 1(29)**

**Line 8**

Before “(29)” insert “(24)”  
Delete “(29)”.

**Page 9**

**Section 1(30)**

**Line 9**

Before “(30)” insert “(25)”  
Delete “(30)”.

**Page 9**

**Section 1(31)**

**Line 12**

Before “(31)” insert “(26)”  
Delete “(31)”.

**Page 9**

**Section 1(32)**

**Line 15**

Before “(32)” insert “(27)”  
Delete “(32)”.

**Page 9**

**Section 1(33)**

**Line 17**

Before “(33)” insert “(28)”  
Delete “(33)”.

**Page 9**

**Section 1(34)**

**Line 19**

Before “(34)” insert “(29)”  
Delete “(34)”.

**Page 9**

**Section 1(34)**

**Line 19**

After “(34)”, insert the following:  
“Licensed alcohol and drug counselor” is defined by KRS 309.080(7).

**Page 9**

**Section 1(34)**

**Line 19**

Before “Licensed assistant behavior analyst” insert “(30)”

**Page 9**

**Section 1(35)**

**Line 20**

Before “(35)” insert “(31)”

Delete “(35)”.

**Page 9**

**Section 1(36)**

**Line 21**

Before “(36)” insert “(32)”

Delete “(36)”.

**Page 10**

**Section 1(37)**

**Line 1**

Before “(37)” insert “(33)”

Delete “(37)”.

**Page 10**

**Section 1(38)**

**Line 3**

Before “(38)” insert “(34)”

Delete “(38)”.

**Page 10**

**Section 1(39)**

**Line 5**

Before “(39)” insert “(35)”

Delete “(39)”.

**Page 10**

**Section 1(40)**

**Line 6**

Before “(40)” insert “(36)”

Delete “(40)”.

**Page 10**

**Section 1(41)**

**Line 7**

Before “(41)” insert “(37)”

Delete “(41)”.

**Page 10**

**Section 1(42)**

**Line 8**

Before “(42)” insert “(38)”

Delete “(42)”.

**Page 10**

**Section 1(43)**

**Line 9**

Before “(43)” insert “(39)”

Delete “(43)”.

**Page 10**

**Section 1(44)**

**Line 10**

Before “(44)” insert “(40)”

Delete “(44)”.

**Page 10**

**Section 1(45)**

**Line 12**

Before “(45)” insert “(41)”

Delete “(45)”.

**Page 10**

**Section 1(46)**

**Line 14**

Before “(46)” insert “(42)”

Delete “(46)”.

**Page 10**

**Section 1(47)**

**Line 16**

Before “(47)” insert “(43)”

Delete “(47)”.

**Page 10**

**Section 1(48)**

**Line 19**

Before “(48)” insert “(44)”

Delete “(48)”.

**Page 10**

**Section 1(49)**

**Line 20**

Before “(49)” insert “(45)”  
Delete “(49)”.

**Page 10**

**Section 1(50)**

**Line 22**

Before “(50)” insert “(46)”  
Delete “(50)”.

**Page 11**

**Section 1(51)**

**Line 1**

Before “(51)” insert “(47)”  
Delete “(51)”.

**Page 11**

**Section 1(52)**

**Lines 4-10**

Delete lines 4 through 10 in their entirety.

**Page 11**

**Section 1(53)**

**Line 11**

Before “(53)” insert “(48)”  
Delete “(53)”.

**Page 11**

**Section 1(54)**

**Line 12**

Before “(54)” insert “(49)”  
Delete “(54)”.

**Page 11**

**Section 1(55)**

**Line 13**

Before “(55)” insert “(50)”  
Delete “(55)”.

**Page 11**

**Section 1(56)**

**Line 19**

Before “(56)” insert “(51)”  
Delete “(56)”.

**Page 11**

**Section 1(57)**

**Line 20**

Before “(57)” insert “(52)”  
Delete “(57)”.

**Page 11**

**Section 1(58)**

**Line 21**

Before “(58)” insert “(53)”  
Delete “(58)”.

**Page 11**

**Section 1(59)**

**Line 23**

Before “(59)” insert “(54)”  
Delete “(59)”.

**Page 12**

**Section 1(60)**

**Line 1**

Before “(60)” insert “(55)”  
Delete “(60)”.

**Page 12**

**Section 1(61)**

**Line 2**

Before “(61)” insert “(56)”  
Delete “(61)”.

**Page 12**

**Section 1(62)**

**Line 6**

Before “(62)” insert “(57)”  
Delete “(62)”.

**Page 12**

**Section 1(63)**

**Line 8**

Before “(63)” insert “(58)”  
Delete “(63)”.

**Page 13**

**Section 1(64)**

**Line 1**

Before “(64)” insert “(59)”  
Delete “(64)”.

**Page 13**

**Section 1(65)**

**Line 2**

Before “(65)” insert “(60)”

Delete “(65)”.

**Page 13**

**Section 1(66)**

**Line 4**

Before “(66)” insert “(61)”

Delete “(66)”.

**Page 13**

**Section 1(67)**

**Line 10**

Before “(67)” insert “(62)”

Delete “(67)”.

**Page 13**

**Section 1(68)**

**Line 11**

Before “(68)” insert “(63)”

Delete “(68)”.

**Page 13**

**Section 1(69)**

**Line 16**

Before “(69)” insert “(64)”

Delete “(69)”.

