



Andy Beshear
GOVERNOR

CABINET FOR HEALTH AND FAMILY SERVICES

Eric Friedlander
SECRETARY

275 East Main Street, 5W-A
Frankfort, Kentucky 40621
Phone: (502) 564-7042
Fax: (502) 564-7091

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
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;
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 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
- 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(4)(c)1.b.
Line 2

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 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 reference temporary licensure requirements for individuals practicing in a narcotic treatment program. Finally, two typos are corrected.