

## MENTAL HEALTH / SUD BILLS PASSED IN 2022 GA SESSION

**HB 1** – Rep. Petrie. Funding for CMHCs & other quasi-governmental agencies to meet pension obligations; funding for expand Tim’s Law pilot program to additional locations; funding for 9-8-8 initial implementation. Final passage on 4/13/22 after overriding most of the Governor’s vetoes.

**HB 44** – Reps. McCool, Willner. Allows each school district to determine if they will make mental health issues a reason for students to have an excused absence from school. Signed by Governor on 4/20/22.

**HB 65** – Rep. Kirk-McCormick. Creates the ability for Kentucky licensed professional counselors to enter an interstate compact to ease reciprocity with other states. Signed by Governor on 4/20/22.

**HB 79** – Reps. Wesley & 20 Cosponsors. Identify PTSD and provide treatment for tele-communicators in law enforcement. Signed by Governor on 4/8/22.

**HB 188** – Rep. DuPlessis. Makes changes in Kentucky’s telehealth regarding location of provider and of client when telehealth is provided. Signed by Governor on 3/31/22.

**HB 237** – Reps. Moser & Willner. Requires 3 of the 39 required CE hours on social & cultural factors; allow pre-doctoral interns to qualify as License Psychological Associates for reimbursement purposes during their internship. Signed by Governor on 3/25/22.

**HB 362** – Rep. Moser. Revises Casey’s Law from 2004 to assure that the SUD diagnosis is made by MH professionals subject to subpoena for cross-examination; Court finding is proof beyond a reasonable doubt. Signed by Governor on 4/4/22 with emergency clause, so becomes law immediately.

**HB 777** – Reps. Fleming & Moser. Makes changes in the ambulance services to assure that all patients – whether for physical or for behavioral health issues – are transported from one facility to another. Signed by Governor on 4/8/22.

**HJR 28** – Reps. Moser & Dixon. Directs KY DMS to request guidance from CMS for Medicaid coverage on prescription digital therapeutics in Kentucky for treatment of OUD and SUD. Signed by Governor on 3/29/22.

**SB 90** – Sens. Westerfield, Stivers, Storm. Establish a behavioral health conditional dismissal pilot program in 10 counties, beginning 10/1/22 for four years to provide eligible individuals a treatment alternative for a behavioral health disorder instead of incarceration, resulting in dismissal of the criminal charges upon successful completion of the program; establishes telehealth services in jails. Signed by Governor on 4/20/22.

**SB 102** – Sen. Wise. Include school psychologists & school social workers in annual required data collection for school Mental Health providers; previously, had been school counselors only. Signed by Governor on 4/20/22.

**SB 140** – Sens. Wise & Carroll. Prohibits insurers from instituting step therapy protocols for most medications. Signed by Governor on 3/17/22.

**SB 178** – Sen. Raque Adams. Lifts requirements for some licensed alcohol & drug counselors so they can provide supervision immediately. Allows licensed narcotic treatment programs to use buprenorphine products to treat patients. Establishes opportunity for a new mother giving

birth to a baby with neonatal abstinence syndrome to participate in drug treatment to avoid termination of parental rights. Requires Medicaid coverage of health care for mothers for 12 months' post-partum. Signed by Governor on 4/20/22.

### **BILLS PASSED IN 2022 GA SESSION RE: KYIANS WITH SEVERE MENTAL ILLNESS**

**SJR 72** – Sen. Alvarado. Requires CHFS to apply for a Medicaid Waiver for KYians with Severe Mental Illness to provide supported housing – including staff residences, personal care homes, group homes and other residential options as well as including medical respite – and also including supported employment services. Signed by Governor on 3/30/22; the bill has an Emergency Clause, so it goes into effect immediately.

**HJR 5** – Reps. Fleming, Willner, Bentley, Prunty & Palumbo. Strongly encourages the licensure boards of MH professions to join Compacts, to establish reciprocity agreements with other states or to reduce reciprocity requirements in order to increase the MH workforce in Kentucky. Signed by Governor on 4/8/22.

**HB 127** – Reps. Fleming, Willner, Bentley, Prunty and 5 other cosponsors. Makes recommended changes in the “Tim’s Law” statute to make it more broadly applicable and to rectify timing issues in the previous legislation. Signed by Governor on 3/25/22.

**HB 269** – Rep. McCoy, Bojanowski & 20 other cosponsors. Excludes individuals with a documented diagnosis of a serious mental illness whose symptoms were present at the time of the commission of a serious felony offense from being subject to the death penalty. Signed by Governor on 4/8/22.

**\*HB 645** – Rep. Bentley, Petrie, Reed, Prunty, Willner. Establish a fund within CHFS for the CMHCs to borrow against to purchase and equip mobile crisis units to address both physical and mental health needs of KYians who live in areas without good access to services. \*Passed in Senate Committee Sub to **HB 604**; sent to Governor on 4/14/22. Became law on 4/26/22 except for line items vetoed by the Governor, which did not affect the mobile crisis unit funding.

**HB 730** – Reps. Bray & Heavrin. Addresses issues with transporting individuals who are involuntarily committed to a state psychiatric facility under KRS 202A. Assigns responsibility for transport and funding of transportation, reduces the time for detaining the individual and requires CHFS to monitor and define the assignment of counties to each of the state psychiatric facilities. Signed by Governor on 4/8/22.



**CABINET FOR HEALTH AND FAMILY SERVICES**  
**Department for Medicaid Services**

## **BASIC HEALTH PROGRAM PROVIDER NOTICE**

May 10, 2022

The Kentucky Department for Medicaid Services (DMS) is developing a Basic Health Program (BHP) in accordance with 42 CFR Part 600.

**What is a BHP?** A BHP is a bridge between the Medicaid Program and coverage through a qualified health plan on the State Based Exchange or other commercial health insurance. It will provide more affordable options that include no deductibles and lower premiums and cost sharing amounts. A BHP also has continuous enrollment for individuals to apply at any time during the year. Find more information at <https://www.medicaid.gov/basic-health-program/index.html>.

**Who is it for?** Adults under the age of 65 with incomes between 138% to 200% of the Federal Poverty Level are eligible for the BHP.

**What does it cover?** The benefits are the same as the state's Essential Health Benefit Benchmark Plan which may be found at <https://www.cms.gov/CCIIO/Resources/Data-Resources/ehb>. Vision and dental benefits are included for individuals up to age 21. Vision and dental plans may be offered at an additional expense for adults age 21 or older.

**When will this happen?** Subject to CMS approval, DMS plans to launch the BHP in November 2022 for coverage with an effective date of January 1, 2023.

**How does this affect providers?** Providers should enter into contracts with BHP issuers to be part of their network similar to Medicaid or the State Based Exchange.

**What's next?** DMS will be seeking public input to develop Kentucky's Blueprint, which is the form the state must submit for CMS approval. Keep an eye out for public comment notices as well as other communications from DMS about the BHP. Issuers interested in offering a BHP plan will be reaching out to providers to create a network.

**Questions?** If you have questions, please send those to [BHP.Questions@ky.gov](mailto:BHP.Questions@ky.gov)