

## **645.020 Definitions for chapter.**

The definitions in KRS Chapter 600 shall apply to this chapter. In addition, unless the context requires otherwise:

- (1) "Convalescent leave" means an authorized release not to exceed ninety (90) days of a child admitted to a hospital under this chapter;
- (2) "Danger to self or others" means that it is shown by substantial proof that in the near future the child may attempt suicide or may cause substantial physical harm or threat of substantial physical harm to self or others, as evidenced by recent threats or overt acts, including acts by which the child deprives self or others of the basic means of survival, including reasonable shelter, food or clothing. In determining whether a child presents a danger to self, factors to be considered shall include, but shall not be limited to, an established pattern of past dangerous behavior;
- (3) "Hospital" means a licensed private or public institution, health care facility, or part thereof, approved by the cabinet to treat children who are mentally ill;
- (4) "Least restrictive alternative" means the treatment and conditions of treatment for a child which, separately and in combination:
  - (a) Are no more harsh, hazardous or intrusive than necessary to achieve acceptable treatment objectives for the child; and
  - (b) Involve no inpatient care restrictions on physical movement except as reasonably necessary for the administration of treatment or for the protection of the child or others from physical injury.

In determining the least restrictive alternative, factors to be considered shall include, but not be limited to, the likelihood, based on the child's prior outpatient treatment, that the child will benefit from outpatient treatment;

- (5) "Mental health facility" means a residential or nonresidential service providing children psychological or psychiatric treatment for emotional, mental, or behavioral problems;
- (6) "Mental health group home" means a community-based facility established to serve not less than four (4) nor more than eight (8) mentally ill children with a treatment program developed and supervised by a qualified mental health professional. Mental health group homes shall not be adjacent to or part of a residential treatment facility or a hospital;
- (7) "Mental health professional" means:
  - (a) A physician licensed under the laws of Kentucky to practice medicine or osteopathy, or a medical officer of the government of the United States while engaged in conducting mental health services;
  - (b) A psychiatrist licensed under the laws of Kentucky to practice medicine or osteopathy, or a medical officer of the government of the United States engaged in conducting mental health services;
  - (c) A psychologist, a psychological practitioner, a certified psychologist, or a psychological associate, licensed under the provisions of KRS Chapter 319;
  - (d) A registered nurse licensed under the provisions of KRS Chapter 314 engaged in providing mental health services;

- (e) A licensed clinical social worker licensed under the provisions of KRS 335.100, or a certified social worker licensed under the provisions of KRS 335.080 engaged in providing mental health services;
  - (f) A marriage and family therapist licensed under the provisions of KRS 335.300 to 335.399 engaged in providing mental health services;
  - (g) A professional counselor credentialed under the provisions of KRS Chapter 335.500 to 335.599 engaged in providing mental health services;
  - (h) An art therapist certified under KRS 309.130 engaged in providing mental health services; or
  - (i) A fee-based pastoral counselor certified under the provisions of KRS 335.600 to 335.699 engaged in providing mental health services; and
- (8) "Mentally ill child" means that considering the child's age and development, the child has a substantially impaired capacity to use self-control, judgment or discretion in the conduct of the child's affairs and social relations, the child's behavior is maladaptive or the child exhibits recognized emotional symptoms which can be related to physiological, psychological or social factors.

**Effective:** March 28, 2002

**History:** Amended 2002 Ky. Acts ch. 99, sec. 5, effective March 28, 2002. -- Amended 1994 Ky. Acts ch. 498, sec. 16, effective July 15, 1994. -- Amended 1988 Ky. Acts ch. 350, sec. 109, effective April 10, 1988. -- Created 1986 Ky. Acts ch. 423, sec. 147, effective July 1, 1987.