

202B.010 Definitions for chapter.

As used in this chapter, unless the context otherwise requires:

- (1) "Authorized staff physician" means a person who is employed as a physician of an ICF/ID;
- (2) "Interdisciplinary team" means the group of persons responsible for the diagnosis, evaluation, and individualized program planning and service implementation for the resident. The team is composed of a physician, a psychologist, a registered nurse, a social worker, and other professionals, at least one (1) of whom is a qualified professional in the area of intellectual disabilities, and may include the resident, the resident's family, or the guardian;
- (3) "Cabinet" means the Kentucky Cabinet for Health and Family Services;
- (4) "Danger" or "threat of danger to self, family, or others" means substantial physical harm or threat of substantial physical harm upon self, family, or others, including actions which deprive self, family, or others of the basic means of survival including provision for reasonable shelter, food, or clothing;
- (5) "Forensic psychiatric facility" means a mental institution or facility, or part thereof, designated by the secretary for the purpose and function of providing inpatient evaluation, care, and treatment for mentally ill persons or individuals with an intellectual disability who have been charged with or convicted of a felony;
- (6) "Hospital" means:
 - (a) A state mental hospital or institution or other licensed public or private hospital, institution, health-care facility, or part thereof, approved by the Kentucky Cabinet for Health and Family Services as equipped to provide full-time residential care and treatment for mentally ill persons or individuals with an intellectual disability;
 - (b) A hospital, institution, or health-care facility of the government of the United States equipped to provide residential care and treatment for mentally ill persons or individuals with an intellectual disability;
- (7) "Judge" means any judge or justice of the Court of Justice or a trial commissioner of the District Court acting under authority of SCR 5.030;
- (8) "Least restrictive alternative mode of treatment" means that treatment given in the least confining setting which will provide an individual with an intellectual disability appropriate treatment or care consistent with accepted professional practice. For purposes of this section, least restrictive alternative mode of treatment may include an institutional placement;
- (9) "Individual with an intellectual disability" means a person with significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the developmental period;
- (10) "ICF/ID" means an intermediate-care facility approved by the cabinet for the evaluation, care, and treatment of individuals with an intellectual disability;
- (11) "Petitioner" means a person who institutes a proceeding under this chapter;
- (12) "Qualified professional in the area of intellectual disabilities" 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 the performance of official duties;
 - (b) A psychologist with the health service provider designation, a psychological practitioner, a certified psychologist, or a psychological associate licensed under the provisions of KRS Chapter 319;
 - (c) A licensed registered nurse with a master's degree in psychiatric nursing from an accredited institution and two (2) years of clinical experience of which one (1) year is with individuals with an intellectual disability; or a licensed registered nurse, with a bachelor's degree in nursing from an accredited institution, who has three (3) years of inpatient or outpatient clinical experience of which one (1) year is in the field of individuals with an intellectual disability and is currently employed by an ICF/ID licensed by the cabinet, a hospital, a regional community program for mental health or individuals with an intellectual disability, or a private agency or company engaged in the provision of services to individuals with an intellectual disability;
 - (d) 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 with two (2) years of inpatient or outpatient clinical experience in social work of which one (1) year shall be in the field of individuals with an intellectual disability and is currently employed by an ICF/ID licensed by the cabinet, a hospital, a regional community program for mental health or individuals with an intellectual disability, or a private agency or company engaged in the provision of services to individuals with an intellectual disability;
 - (e) A marriage and family therapist licensed under the provisions of KRS 335.300 to 335.399 with three (3) years of inpatient or outpatient clinical experience in psychiatric mental health practice and currently employed by a hospital or forensic facility licensed by the Commonwealth, a psychiatric unit of a general hospital, a private agency or company engaged in providing mental health services, or a regional community program for mental health or individuals with an intellectual disability; or
 - (f) A professional counselor credentialed under the provisions of KRS 335.500 to 335.599 with three (3) years of inpatient or outpatient clinical experience in psychiatric mental health practice and currently employed by a hospital or forensic facility licensed by the Commonwealth, a psychiatric unit of a general hospital, a private agency or company engaged in providing mental health services, or a regional community program for mental health or individuals with an intellectual disability;
- (13) "Residence" means legal residence as determined by applicable principles governing conflicts of law;
- (14) "Resident" means a person under care or treatment in an ICF/ID pursuant to the provisions of this chapter;

- (15) "Respondent" means a person alleged in a hearing under this chapter to be an individual with an intellectual disability; and
- (16) "Secretary" shall mean the secretary of the Cabinet for Health and Family Services.

Effective: July 12, 2012

History: Amended 2012 Ky. Acts ch. 146, sec. 36, effective July 12, 2012. -- Amended 2005 Ky. Acts ch. 99, sec. 216, effective June 20, 2005. -- Amended 2002 Ky. Acts ch. 99, sec. 2, effective March 28, 2002. -- Amended 1998 Ky. Acts ch. 426, sec. 180, effective July 15, 1998. -- Amended 1996 Ky. Acts ch. 369, sec. 20, effective July 15, 1996. -- Amended 1990 Ky. Acts ch. 147, sec. 1, effective July 13, 1990. -- Amended 1988 Ky. Acts ch. 139, sec. 20, effective July 15, 1988. -- Amended 1986 Ky. Acts ch. 79, sec. 1, effective March 6, 1986. --Created 1976 Ky. Acts ch. 328, sec. 2.