

533.270 Definitions for KRS 533.270 to 533.290.

As used in KRS 533.270 to 533.290:

- (1) "Behavioral health conditional dismissal program" means a program designed to provide an eligible person who has a behavioral health disorder and who has been charged with a qualifying offense an alternative to receive treatment and recovery support services addressing the behavioral health disorder instead of incarceration, resulting in dismissal of the charges upon successful completion;
- (2) "Behavioral health disorder" means a mental health disorder or substance use disorder, or both;
- (3) "Behavioral health treatment program" means a plan or recovery program, based upon a clinical assessment, that:
 - (a) Identifies and incorporates recovery services to meet the specific treatment and recovery goals and the needs of the individual served;
 - (b) Addresses the social determinants of health to include housing, transportation, access to medical care, and meaningful employment; and
 - (c) Considers a full continuum of care;
- (4) "Clinical assessment" means an assessment that is performed by a qualified mental health professional in accordance with the most recent American Society of Addiction Medicine criteria for a substance use disorder and the most recent edition of the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders for a mental health disorder;
- (5) "Eligible applicant" or "eligible person" means an individual:
 - (a) Who has completed a clinical assessment and been referred to care; and
 - (b) Who meets the requirements of KRS 533.274;
- (6) "Mental health disorder" is a diagnostic term that covers many clinical categories typically including behavioral or psychological symptoms, or both, along with impairment of personal and social function, and specifically defined and clinically interpreted through reference to criteria contained in the most recent edition of the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders;
- (7) "Qualified mental health professional" means the same as in KRS 202A.011 and shall include a licensed clinical alcohol and drug counselor under KRS Chapter 309;
- (8) "Qualifying offense" means a misdemeanor or Class D felony that is not:
 - (a) An offense that would qualify the person as a violent offender under KRS 439.3401;
 - (b) A sex crime as defined by KRS 17.500;
 - (c) An offense under KRS 189A.010;
 - (d) An offense against a victim who has a protective order as defined in KRS 508.130 against the defendant at the time the offense is charged;
 - (e) An act of domestic violence and abuse as defined in KRS 403.720, or an act of dating violence and abuse as defined in KRS 456.010, against the defendant

- at the time the offense is charged; or
- (f) An offense against a victim who has an interpersonal protective order issued under KRS 456.060;
- (9) "Recovery services" means rehabilitative treatment services that shall include but not be limited to any or all of the following:
- (a) Outpatient treatment;
 - (b) National Alliance of Recovery Residences or the Council on Accreditation of Rehabilitation Facilities certified housing;
 - (c) Medication treatment;
 - (d) Personal and family counseling;
 - (e) Substance abuse education and prevention classes or counseling;
 - (f) Vocational training;
 - (g) Literacy training;
 - (h) Community service;
 - (i) Inpatient or residential behavioral health treatment as needed to address:
 - 1. Impaired capacity to use self-control, judgment, or discretion related to behavior;
 - 2. Severe dependence;
 - 3. Special detoxification;
 - 4. Relapse; or
 - 5. Other treatments recommended by a qualified mental health professional;
 - (j) Restorative practices designed to make the participant accountable to the victim when there is an identified victim, and it is safe to do so;
 - (k) Recovery housing assistance; and
 - (l) Recovery housing programs that have an established third-party outcome evaluation; and
- (10) "Substance use disorder" has the same meaning as in KRS 222.005.

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