

222.506 Requirements for recovery residences -- Prohibition against providing medical and clinical services -- Exceptions.

- (1) A recovery residence shall:
 - (a) Clearly disclose the following by inclusion in any advertising and by posting such a notice in a conspicuous location inside the residence:
 1. Notice that the recovery residence is not a treatment facility;
 2. A list of services offered by the recovery residence; and
 3. If the recovery residence is exempt from certification pursuant to KRS 222.502(1)(b), notice that the recovery residence is exempt from certification requirements;
 - (b) Require residents to abstain from the use of alcohol, illicit drugs, and other intoxicating substances;
 - (c) Require residents to participate in recovery support services including through a peer-to-peer supervision model; and
 - (d) Allow individuals who are receiving medication for addiction treatment to continue to receive such treatment while residing in the recovery residence as directed by a licensed prescriber.
- (2) A recovery residence shall not, except as permitted under subsection (3) of this section, directly provide any medical or clinical services including on-site medication administration.
- (3) (a) The requirement that residents abstain from the use of intoxicating substances established in subsection (1)(b) of this section shall not apply to any legally prescribed medication when used by a resident as directed by a licensed prescriber.
(b) Subsection (1)(d) of this section shall not apply to any recovery residence owned or operated by an entity that is exempted, in part or in whole, pursuant to 42 U.S.C. sec. 3607 or 12187 from compliance with the Americans with Disabilities Act, Pub. L. No. 101-336, or the Fair Housing Act, Pub. L. No. 100-430.
(c) The prohibition on the provision of on-site medical and clinical services established in subsection (2) of this section shall not apply to:
 1. The self-administration of prescribed medications by a resident as directed by a licensed prescriber within his or her scope of practice;
 2. Verification of abstinence from the use of alcohol, illicit drugs, and other intoxicating substances; or
 3. The provision of on-site medical and clinical services, including telehealth services and other in-residence services, to an individual residing in a recovery residence by a licensed medical or behavioral health provider provided that:
 - a. The licensed provider is not employed or contracted by the recovery residence unless at least one (1) of the following criteria is met:
 - i. The recovery residence does not receive payment from the

licensed provider;

- ii. The recovery residence makes on-site clinical services available from an outside service provider, but each resident may utilize the clinical service provider of his or her choosing; or
- iii. The recovery residence is operated by or is a direct subsidiary of the licensed provider and the services are provided as part of a continuum of care that can be shown by the recovery residence operator to include step-down facilities with resident-driven length of stay or referral thereof;

- b. The recovery residence has not required or otherwise induced a resident to receive services from a specific provider unless the recovery residence is operated by or is a direct subsidiary of the provider and the services are provided as part of a continuum of care that can be shown by the recovery residence operator to include step-down facilities with resident-driven length of stay or referral thereof; and
- c. The licensed provider and the recovery residence shall each, as applicable, comply with 18 U.S.C. sec. 220, 42 U.S.C. sec. 1320a-7b(b), and 42 U.S.C. sec. 1395nn and any amendments thereto.

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