

 <b>KENTUCKY CORRECTIONS</b> Policies and Procedures	Policy Number	Total Pages
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Authority/References 908 KAR 1:370, KRS 222.005(3), 439.250-439.560	Subject  Substance Abuse Program Good Time Credit	

## I. DEFINITIONS

“Alcohol and other drug treatment entity or AODE License” as defined by KRS 222.005(3).

“Approved Provider or Approved Program” means any AODE (Alcohol and Other Drug Entity) licensed program that provides treatment for substance use disorder that has agreed to provide DOC with ongoing documentation of program compliance and progress of a supervised individual who is on probation or parole.

“Client” means an individual under probation and parole supervision who is participating or seeking to participate in a treatment program to receive program good time credit.

“Evidence Based Curriculum” means practices that have been vetted through rigorous research.

“Memo of Understanding or MOU” means a document that describes the broad outlines of an agreement that two or more parties have reached. An MOU communicates the mutually accepted expectations of all parties involved in the negotiation.

“Program Good Time Credit” (PGTC) means a time credit for completion of a approved KDOC program, that is deducted from an eligible clients sentence as provided in KRS 439.250 -439.560

## II. POLICY and PROCEDURE

A recognized KDOC approved substance use disorder service providers whose treatment programming meets criteria allowing KDOC to grant program good time credit. Programs who are interested in becoming a KDOC approved providers shall follow the application process. Accepted programs shall be maintained on the KDOC approved provider list that shall be available for review on the KDOC website and used by Probation and Parole staff and Addiction Services clinicians. The providers on the KDOC approved provider list shall be qualified to receive referrals to administer evaluations, treatment, and assessment services to clients on misdemeanor supervision, pre-trial diversion, probation, mandatory

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reentry supervision (MRS), and parole and are statutorily eligible may receive program good time credit upon the completion of the program.

A. Application, Review, Approval and Appeal Process

An applicant shall complete and submit an application for review to the Division of Addiction with the following criteria:

1. Provide documentation of all program staff education and verification of any professional license or certification related to counseling.
2. Have a current site-specific AODE license issued by the Cabinet for Health and Family Services (CHFS) and shall be in good standing with their AODE licensure. An agency site license shall not be accepted.
3. Provide an evidence based program curriculum approved by the KDOC.
4. Comply with all administrative regulations listed in 908 KAR 1:370
5. Provide documentation of current treatment plan.
6. Provide a list of all program staff, including administrative staff not involved in the provision of treatment.
7. Programs may offer several levels of care that would qualify to become a KDOC Approved Provider. Applicants shall meet the ASAM criteria for the following levels:
  - a. Level II — intensive outpatient treatment/partial hospitalization;
  - b. Level III — residential clinically managed/medically monitored intensive inpatient treatment; or
  - c. Level IV — medically managed intensive inpatient treatment

If the application is approved, KDOC clients eligible to receive program good time credit may be awarded credit upon their completion of the program.

If application is denied approval, programs may appeal the decision in writing within thirty (30) calendar days of receipt of the denial. A program may provide additional supporting documents in their appeal request to KDOC. The appeal shall be reviewed and a decision shall be rendered within thirty (30) calendar days. Programs shall be notified of the decision in writing. A program shall have one (1) appeal per calendar year.

Applications and Appeals shall be submitted by mail or email at the following addresses:

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Kentucky Department of Corrections  
Division of Addiction Services  
Sarah Johnson, Director  
P.O. Box 2400  
Frankfort, KY 40601  
[SarahG.Johnson@ky.gov](mailto:SarahG.Johnson@ky.gov)

B. Program Good Time Credit for Clients

The amount of Program Good Time Credit earned shall be based on the length of the client's time in the treatment program. An client's absence shall be considered when calculating the duration of treatment. Clients shall be in compliance to receive program good time credit with the program requirements for completion and with their ongoing supervision with Probation and Parole.

1. Program Credit may be awarded based on days in the program as follows:

- a. 28 days – 59 days = 30 days of PGTC.
- b. 60 days – 90 days = 60 days of PGTC.
- c. 91 days – 180 days = 90 days of PGTC.

2. Appeal Process for Clients

The client shall have fourteen (14) days to submit an appeal in writing to KDOC. If the appeal is granted, DOC may request that the client return to the treatment agency from which they were terminated or may elect to send the client to a new agency to complete the remainder of the program. A designated KDOC staff shall determine the amount of program good time credit the client is eligible to receive.

3. Discharged and Terminated Clients

If an client is discharged or terminated, the program shall provide a copy of any discharges or terminations of clients within seven (7) business days. Terminations may be sent through United States Postal Services, email or other agreed upon communication with the client. A discharge or termination letter shall include a statement detailing the KDOC appeal process.

C. Accountability

Approved providers shall provide to KDOC monthly reports and timely communication and program completion certificates in order for an client to be

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eligible to earn program good time credit. KDOC shall provide format of monthly reports. Approved programs shall submit their monthly report by the fifth (5<sup>th</sup>) of the following month.

1. Monthly reports shall include:
  - a. Attendance and absences of clients;
  - b. Drug tests dates and results for clients;
  - c. Program participation status: completions, terminations, discharges- (administrative and referrals for additional services).
  - d. Client progress;
  - e. Clients on medications for addiction treatment participation with dates of injections;
  - f. Approval of Medicaid or insurance status;
  - g. Significant clinical staff change;
  - h. Number of KDOC clients;
  - i. Number of KDOC intakes;
  - j. Referrals to an additional level of care; and
  - k. Satisfaction survey results.
2. Programs shall provide KDOC client with a satisfaction survey at least once during their participation.
3. Programs shall inform KDOC of grievances filed by KDOC clients shall allow KDOC to review and address grievances as deemed necessary.
4. Programs shall notify KDOC of the appropriate referral process, paperwork, and contact person to contact when referring clients for services.
5. Programs shall allow representatives from KDOC to visit the program for a review of services as deemed necessary.
6. Programs shall provide discharge summaries that include terminations, completions, and referrals to other levels of care.
7. Programs shall have the contact information for the KDOC ombudsman either clearly posted or easily accessible to all KDOC clients in their program.
8. During the intake process, programs shall attain an release of information authorizing communication with the client and KDOC.

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9. Programs shall use an evidence based assessment instrument and ensure that all clients meet the criteria for admission into the agency for services.
10. If a program finds that a client in their program is on supervision with KDOC, they shall notify the KDOC to determine if the client is eligible for program good time credit.
11. Programs that cannot accommodate a client's needs shall refer the client to the program of his choice for education or treatment and refrain from referring an client to level of care that is not in his best interest.
12. The program shall notify KDOC of any changes in an clients recommended level of care.
13. Programs shall not keep a client in treatment longer than is necessary to address their treatment and recovery needs.
14. Programs shall not knowingly present false or misleading information to a client or misrepresent the policies of KDOC.
15. Programs shall not engage in unethical practices and shall abide by the code of ethics set forth by the Kentucky Board of Alcohol and Drug Counselors.
16. Programs shall comply with applicable Federal civil rights laws and shall not discriminate based on race, color, national origin, age, disability or sex, including discrimination based on pregnancy, gender identity and sex stereotyping. Programs shall not exclude people or treat them differently because of race, color, national origin, age, disability or sex, including discrimination based on pregnancy, gender identity and sex stereotyping.
17. Programs shall notify KDOC immediately of changes in AODE license status or deficiencies that may affect a program from providing services to clients.
18. Program Staff on active supervision with probation and parole shall not oversee drug screens, attendance records, charts, reports, terminations or other matters that could potentially negatively impact treatment or supervision status.
19. Program Staff on active supervision with Probation and Parole may function in a leadership role with others who are not on active Probation and Parole supervision.
20. Staff in a leadership role may participate such duties once they successfully complete Probation and Parole supervision.

D. Program Referral of Clients

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An approved provider list of identified programs shall be maintained for all KDOC clients to choose their treatment programs. KDOC shall not require clients choose a specific providers if the clients are self-pay. Upon selection of a provider, clients shall be advised that completing treatment with an approved provider may allow program good time credit that may be applied toward their sentence by the KDOC.

E. Dissolution of the Agreement and Non-Compliance

1. The program or KDOC may choose to end the agreement and remove the provider from the KDOC approved program list at any time. Each party shall abide within the terms of the Memo of Understanding (MOU). KDOC may immediately remove any provider if issues with compliance are substantiated.
2. Causes of immediate dissolution of the MOU may include:
  - a. AODE License is removed;
  - b. Staff misconduct;
  - c. Ethics violations;
  - d. Discrimination;
  - e. Failure to communicate with KDOC within thirty (30) days;
  - f. Failure to submit program monthly reports;
  - g. Failure to submit client monthly reports; or
  - h. Failure to submit timely discharges.
3. If non-compliance is indicated, KDOC shall provide programs with notice of intent to remove and shall provide programs an appeal process. Programs choosing to appeal the decision, shall have thirty (30) calendar days to submit written documentation of request for reconsideration. During the pending appeal process, programs shall be removed from the approved list. If the program is removed from approved status, a designated KDOC staff shall notify active clients that their program good time credit may be affected. The client shall have the opportunity to remain in the program or may request to be referred to a similar program. The appeal shall be reviewed and a decision shall be rendered within thirty (30) calendar days of receipt. Programs shall be notified of the decision in writing.

Programs that are denied may submit their appeal by United States Postal Services or email to the following addresses.

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Kentucky Department of Corrections  
Division of Addiction Services  
Sarah Johnson, Director  
P.O. Box 2400  
Frankfort, KY 40601  
[SarahG.Johnson@ky.gov](mailto:SarahG.Johnson@ky.gov)

- F. Programs who are removed from the list, may choose to apply in the following calendar year after the deficiencies have been addressed. If a program chooses to not apply or reapply for KDOC approval shall not prohibit KDOC clients from receiving private pay services from any AODE program that is licensed by CHFS. It will only affect the eligibility of the clients to receive program good time credit for the completion of the program.