

Description and information about Administrative Regulations filed for June 15 filing deadline:

These administrative regulations were filed immediately prior to June 15, 2021:

1. 907 KAR 3:005. Coverage of physicians' services.

A. A statement of consideration relating to this regulation was filed with the LRC prior to June 15, 2021.

B. Summary of administrative Regulation: 907 KAR 3:005. Coverage of physicians' services. This administrative regulation establishes the Medicaid Program coverage provisions and requirements relating to physicians' services. The amendments change this administrative regulation by incorporating changes made to 907 KAR 3:010 to allow for broader practice of anesthesia under medical direction.

This administrative regulation was not amended after comments.

C. The administrative regulation may be accessed at the LRC website here:

<https://apps.legislature.ky.gov/law/kar/TITLE907.HTM>

D. Information about public hearing and public comment period for this administrative regulation. This regulation was not updated following a public comment period, however a Statement of Consideration was filed. This administrative regulation will receive public hearings at the Administrative Regulations Review Subcommittee (ARRS) and the appropriate Legislative Research Commission committee of jurisdiction. The ARRS agenda can be accessed here: <https://apps.legislature.ky.gov/CommitteeDocuments/3/> .

2. 907 KAR 3:010. Reimbursement of physicians' services.

A. This regulation was filed with the LRC prior to June 15, 2021.

B. Summary of administrative Regulation: 907 KAR 3:010. Reimbursement of physicians' services. This administrative regulation establishes reimbursement requirements for physician services. The amendments to this administrative regulation allow for anesthesia to be reimbursed when provided under medical direction in certain circumstances. A new section describes elements that must be present and documented in each anesthesia under medical direction case. These requirements include that the anesthesiologist perform a face-to-face examination, personally decide on the appropriate anesthetic, and personally participate in-person for the most demanding procedures in the treatment plan. The amendments also require that anesthesia under medical direction services not conducted by the anesthesiologist be conducted by a qualified individual who shall also sign and document their participation. The amendments also require an anesthesiologist to frequently monitor the medical direction services in-person, and provide

appropriate post-anesthesia care. Finally, a telehealth modifier requirement for physician evaluation and management consultation services is updated.

Amended After Comments Version: The amended after comment version deletes the previously new Section 8, and the new language will require providers to precisely follow the existing Medicare guidelines relating to medical direction care. Because the Medicare guidelines are written for states that allow additional providers or providers under supervision to provide anesthesia services, another subsection clarifies that only providers eligible for licensure in Kentucky can provide anesthesia services under medical direction.

C. The administrative regulation may be accessed at the LRC website here:

<https://apps.legislature.ky.gov/law/kar/TITLE907.HTM>

D. Information about public hearing and public comment period for this administrative regulation. This regulation was updated following a public comment period. This administrative regulation will receive public hearings at the Administrative Regulations Review Subcommittee (ARRS) and the appropriate Legislative Research Commission committee of jurisdiction. The ARRS agenda can be accessed here: <https://apps.legislature.ky.gov/CommitteeDocuments/3/> .